

CHAPTER 11

Comment Letters

This Chapter 11 and the following chapters (Chapter 12, 13 and 14) have been added to the Environmental Impact Report (State Clearinghouse No. 2007061004) and together with the revised Draft EIR constitute the Final EIR prepared by the Department of Water Resources (DWR) for the Perris Dam Remediation Program (project).

This chapter contains the comment letters received during the public review period for the Draft EIR. The letters have been bracketed and numbered and are presented in the order listed in Table 11-1. The responses to comments are provided in Chapter 12 and are labeled to correspond to the comment numbers and letters that appear in the margins of the comment letters.

TABLE 11-1
AGENCIES, ORGANIZATIONS, AND PUBLIC COMMENTS RECEIVED

Comment No.	Commenting Person/Agency	Date of Comment
Federal Agencies		
1	Federal Emergency Management Agency	January 27, 2010
State Agencies		
2	California Emergency Management Agency	January 22, 2010
3	Department of Toxic Substances Control	February 23, 2010
4	Department of Fish and Game	April 12, 2010
5	Department of Parks and Recreation	April 12, 2010
Local Agencies		
6	Coachella Valley Water District, Desert Water Agency, Metropolitan District of Southern California (Review Extension Request)	January 27, 2010
7	City of Perris	February 23, 2010
8	Riverside County Fire Department	February 23, 2010
9	Riverside County Habitat Conservation Agency	March 2, 2010
10	Coachella Valley Water District, Desert Water Agency, Metropolitan District of Southern California (Joint Comment Letter)	April 12, 2010
11	Riverside County Flood Control and Water Conservation District	April 12, 2010
12	Eastern Municipal Water District	April 12, 2010
13	City of Perris	April 14, 2010
14	Southern California Air Quality Management District (SCAQMD)	May 21, 2010
Organizations		
15	Friends of Northern San Jacinto Valley	April 10, 2010
16	Sierra Club, Moreno Valley Group	April 11, 2010
17	46 th District Agricultural Association, Lake Perris Fairgrounds	April 12, 2010

Comment No.	Commenting Person/Agency	Date of Comment
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Public Comments		
18	Brian Flanagan	January 19, 2010
19	DEIR Public Meeting Oral Comments	February 3, 2010
20	Vincent Agnifili	February 3, 2010
21	Marion Ashley	February 3, 2010
22	Sue Nash	February 3, 2010
23	Lee Cussins	March 24, 2010
24	David Dorado	April 11, 2010

JAN 27 REC'D

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052



FEMA

January 19, 2010

Tom Barnes
RE: DWR – Perris Dam Remediation Program ESA
707 Wilshire Blvd., Suite 1450
Los Angeles, California 90017

Dear Mr. Barnes:

This is in response to your request for comments on the Notice of Availability of a Draft Environmental Impact Report for the Perris Dam Remediation Program project.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the County of Riverside (Community Number 060245), Maps revised August 28, 2008. Please note that the County of Riverside, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. **The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

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Tom Barnes, Project Officer
Page 2
January 19, 2010

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

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Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Riverside County floodplain manager can be reached by calling Mekbeb Degaga, Senior Civil Engineer, at (909) 955-1265.

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If you have any questions or concerns, please do not hesitate to call Michael Hornick of the Mitigation staff at (510) 627-7260.

Sincerely,



Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:

Mekbeb Degaga, Senior Civil Engineer, Riverside County Flood Control and Water Conservation

Garret Tam Sing/Salomon Miranda, State of California, Department of Water Resources, Southern District

Michael Hornick, Floodplanner, CFM, DHS/FEMA Region IX

Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX



Cal E·M·A
CALIFORNIA EMERGENCY
MANAGEMENT AGENCY

January 19, 2010

RECEIVED

JAN 22 REC'D

ENVIRONMENTAL SERVICES
DIVISION

Tom Barnes, ESA, on behalf of
the California Department of Water Resources
Perris Dam Remediation Program
707 Wilshire Boulevard, Ste. 1450
Los Angeles, CA 90017

Re: Lake Perris EIR Comment

Dear Mr. Barnes,

This office has reviewed the Public Safety portion of the draft Environmental Impact Report for Lake Perris Dam. The report notes that California Government Code section 8589.5 requires that cities have emergency procedures in place for evacuation. This is not correct. The statute was amended in 2003 and the revised language is:

The appropriate public safety agencies of any city, county, or city and county, the territory of which includes any of those areas, may adopt emergency procedures for the evacuation and control of populated areas below those dams.

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The 2003 amendment made the requirement for emergency evacuation procedure permissive instead of mandatory.

This office recommends that the dam owner prepare an Emergency Action Plan in accordance with FEMA publication 64 [enclosed], and the Standardized Emergency Management System (SEMS) in coordination with affected jurisdictions

2B

Any questions on this topic may be addressed to Robert M. Mead, Senior Emergency Services Coordinator, at (916) 845-8174.

Sincerely,

KEN WORMAN

State Hazard Mitigation Officer

Enc.



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

Maziar Movassaghi
Acting Director
5796 Corporate Avenue
Cypress, California 90630



Arnold Schwarzenegger
Governor

RECEIVED

FEB 23 REC'D

ENVIRONMENTAL SCIENCE ASSOC.
LOS ANGELES

February 11, 2010

Mr. Tom Barnes
On behalf of the California Department of Water Resources
707 Wilshire Boulevard, Suite 1450
Los Angeles, California 90017

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR PERRIS DAM REMEDIATION PROGRAM PROJECT, (SCH # 2007061004), RIVERSIDE COUNTY

Dear Mr. Barnes:

The Department of Toxic Substances Control (DTSC) has received your submitted draft Environmental Impact Report (EIR) for the above-mentioned project. The following project description is stated in your document: "California Department of Water Resources (DWR) proposes to implement the Perris Dam Remediation Program to remediate Perris dam, replace the outlet tower, and construct an outlet conveyance to connect with the Perris Valley Storm Drain. The project is being proposed to address seismic safety concerns and to bring the facilities up to current safety standards. The proposed project is located in and around Lake Perris, in an unincorporated area of Riverside County, and in the City of Perris. Topographic features in the project region include the Bernasconi Hills southeast of Lake Perris and Mt. Russell to the north. Major roadway corridors in the project vicinity include Ramona Expressway, a county eligible scenic route and State Route 215 (SR-15), located approximately three miles west of Lake Perris. Project site is surrounded by lands designated as Public facilities (PF), Open Space-Conservation Habitat (OS-CH), and Open Space-Recreation (OS-R)". DTSC has following comments:

- 1) DTSC provided comments on the project Notice of Preparation (NOP) on July 12, 2007; those comments have not been addressed in the draft EIR. Please address DTSC's comments in the final EIR. 3A
- 2) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies which would not be responsible parties under CERCLA, or a Voluntary Cleanup Agreement (VCA) for 3B

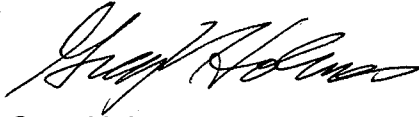
Mr. Tom Barnes
February 11, 2010
Page 2

private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

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If you have any questions regarding this letter, please contact Mr. Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov or by phone at (714) 484-5491.

Sincerely,



Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
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Ms. Jeanne Kuttel, Project Manager
California Department of Water Resources
1416 9th Street
Sacramento, California 95814

CEQA # 2784



State of California –The Natural Resources Agency
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Ontario, California 91764
Phone (909) 484-0459
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ARNOLD SCHWARZENEGGER, Governor
JOHN MCCAMMAN, Director



April 12, 2010

Mr. Tom Barnes
ESA
707 Wilshire Blvd., Suite 1450
Los Angeles, CA 90017

Subject: Department of Water Resources – Perris Dam Remediation Program
SCH No. 2007061004

Dear Mr. Barnes:

The California Department of Fish and Game (Department) appreciates this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Department of Water Resources (DWR) Perris Dam Remediation Program. The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381) such as a Streambed Alteration Agreement or a California Endangered Species Act Incidental Take Permit (Fish and Game Code Sections 2081 and 2080.1). The Department also is responsible for administering the Natural Community Conservation Planning Program (NCCP).

The proposed Perris Dam Remediation Program includes three separate components: (1) Perris Dam Remediation, (2) Outlet Tower Replacement, and (3) Emergency Outlet Extension. DWR proposes to implement the Perris Dam Remediation Program to remediate Perris Dam, replace the outlet tower, and construct an outlet conveyance to connect with the Perris Valley Storm Drain. The project is being proposed to address seismic safety concerns and to bring the facilities up to current safety standards. DWR proposes to seismically upgrade the dam by improving the foundation material with cement-deep-soil-mixing methods, excavating the toe of the dam to remove the liquefiable foundation material and replacing it with re-compacted engineered fill, and then constructing a stability berm on top of the replaced foundation. This remediation strategy would allow Lake Perris to return to its previous maximum operating pool elevation of 1588 ft amsl after construction. Perris Dam and Reservoir, a multi-purpose facility known collectively as Lake Perris, is located within the Lake Perris State Recreation Area (SRA) in Riverside County.

Conserving California's Wildlife Since 1870

Riparian Vegetation

Based on the DEIR, the proposed project will permanently impact 11 acres of riparian vegetation below the dam. DWR (in Mitigation Measure 3.3-1c) proposes to provide compensation lands at a 1:1 ratio for the impacts to riparian vegetation (including southern willow woodland). The Department does not believe this adequately mitigates for the permanent loss of Least Bell's Vireo (vireo) habitat and does not reduce the impact to less than significant.

In order to obtain take as a Participating Special Entity under the MSHCP, DWR must meet the requirements of MSHCP, including the Riparian Policy which requires submittal a Determination of Biologically Equivalent or Superior Preservation (DBESP) for the impacts to riparian habitat. The Department does not believe a 1:1 ratio is biologically equivalent or superior to avoidance to meet the requirements of the Riparian Policy. The Department recommends mitigating at a minimum 3:1 ratio to adequately compensate for permanent impacts to vireo habitat. The DBESP will need to include a restoration plan that includes staffing, monitoring, management, irrigation, and success criteria. A recorded conservation easement will be required on the off-site mitigation area to protect it in perpetuity. Funding will also be required for management of the restoration area in perpetuity.

In order to adequately mitigate for permanent impacts to riparian habitat, reduce impacts to less than significant under CEQA, and to ensure consistency with the MSHCP Riparian Policy, DFG recommends including the following mitigation for permanent impacts to riparian vegetation to the DEIR:

- *To compensate for the permanent impacts to riparian habitat (on the west end), DWR shall provide restoration of vireo quality riparian habitat at a minimum 3:1 replacement-to-impact (33 acres). The site shall be approved by the Wildlife Agencies and preserved in perpetuity.*

The implementation of the above measure will likely meet mitigation requirements for impacts to riparian habitat for other regulatory permits such as a Streambed Alteration Agreement (pursuant to Fish and Game Code Section 1600 et seq.).

Because the 11 acres of permanent impacts to riparian habitat will also result in the loss of Public/Quasi-Public (PQP) lands, the preservation of the offsite riparian habitat restoration in perpetuity may also serve as the required replacement of PQP lands as required by the MSHCP. The location of the proposed restoration/conservation would need to be approved by the Wildlife Agencies through the PQP replacement process. Replacement of PQP lands is subject to finding of equivalency (Section 7.2.4 of MSHCP). For more on PQP lands, see below under "Habitat Conservation Plan".

Special-Status Wildlife Species and Habitat

The Department has the following specific comments to the DEIR in regards to special-status wildlife species and habitat.

1. Impact 3.3-4 on Page 3.3-72 of the DEIR indicates the proposed project will result in the temporary and permanent loss of Stephen's kangaroo rat (SKR) habitat. This habitat is in an SKR Core Reserve. The SKR Core Reserves were established under the SKR Habitat Conservation Plan (HCP). SKR population levels within SKR reserves are expected to fluctuate over time depending on management activities, vegetation densities, and other variables such as rainfall. Likewise the area occupied by SKR within a Core Reserve is expected to change overtime. The DEIR needs to specify the total area of permanent and temporary impacts to SKR habitat. To avoid a reduction in the capacity of the Core Reserve to support SKR, permanent loss of habitat needs to be replaced, preferably by additional conservation adjacent to an SKR Core Reserve. The SKR habitat that will be permanently impacted by the project is also identified as PQP in the MSHCP. The replacement of the SKR habitat may also serve as the required PQP replacement lands. For further discussion of PQP lands, please see comment below under the heading "Habitat Conservation Plan".
2. The DEIR does not specify if the proposed emergency outlet extension will be an open trapezoidal channel for its entire length or if it will be underground from the outlet structure to Lake Perris Drive (section 2.5.4, page 2-19 and Impacts 3.3-6, pages 3.3-74 and 3.3-75). Selection of the open trapezoidal channel design will result in greater permanent impacts to SKR habitat. The construction of an open trapezoidal channel will also result in the isolation of PQP lands (& SKR Core Reserve) that lie between the proposed channel and the Ramona Expressway. These lands support at least three small mammal species that are covered by the MSHCP, Los Angeles pocket mouse (LAPM), San Diego pocket mouse, and San Diego desert woodrat (DEIR Appendix C-1 Figure 11). The DEIR should specify which design alternative will be built. The Department recommends the underground design alternative to reduce impacts to small mammals. If the open channel design is selected then the area isolated by the channel needs to be included as a project related loss and accounted for in the analysis and replacement of SKR and PQP lands by the project as described above.
3. Impact 3.3-6 on Page 3.3-74 of the DEIR indicates potential impacts to occupied LAPM habitat below the dam. The Department does not believe the DEIR adequately addresses the impacts and mitigation to LAPM and how it meets consistency with the MSHCP. The DEIR needs to identify the total acres of impacts (temporary and permanent) to LAPM habitat. Based on Appendix C1 (Page 5-12), Biological Resource Evaluation, of the DEIR, it appears the project may impact 43 acres of occupied LAPM habitat. However, the DIER failed to describe the acreage of impacts to LAPM in the biological resources impacts section of the document. The DEIR also needs to describe how the measures proposed will meet consistency with Section 6.3.2 of MSHCP. The MSHCP requires an Equivalency Analysis be prepared. If it is not feasible to avoid 90% of the LAPM habitat, then a DBESP is required that provides equivalent or superior conservation for the permanent loss of habitat. Under the MSHCP, impacts to PQP lands must be replaced at a minimum 1:1 ratio. The replacement of LAPM habitat can serve as the PQP replacement as long as the land is acquired and

permanently protected and it must be biologically equivalent or superior to the land replaced. The DEIR needs to be revised to include impacts and appropriate mitigation to offset the permanent loss of LAPM habitat and PQP lands. For further discussion of PQP lands, please see comment below under the heading "Habitat Conservation Plan".

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Fish and Waterfowl

The DEIR did not adequately address project impacts to fish, waterfowl, and their habitat and provide adequate mitigation to offset the impacts. The following are specific comments to the DEIR in regards to fish and waterfowl.

4H

1. Project impacts will result in the loss of shallow-water habitat used by fish as spawning areas. Adequate mitigation measures however were not provided to offset the loss of the fish habitat. Potential impacts include loss of important shallow-water habitat in and around the construction site and borrow area, interference with spawning activities of fish species, and fish mortality associated with changes in water quality. To mitigate for the loss of shallow-water habitat, the creation of shallow-water habitat should be provided. The Department recommends grading the area southwest of Bernasconi Road, within the construction zone, and expanded into a cove with additional fish habitat features designed in consultation with Department staff. The materials removed from this area could be used in the dam remediation project and may lessen impacts to the borrow site at the east end of the lake.
2. On page 2-15 section 2.5.3, Outlet Tower Replacement, describes the new tower. *"The new outlet facility would be located approximately 400 feet from the existing tower"*. The DEIR needs to include a discussion of the methods to be used to excavate the lake by "dry construction". The impacts to fish associated with the methods to be used to isolate the site for the replacement tower need to be identified. The DEIR should also identify mitigation measures to reduce impacts to fish from these impacts.
3. On Page 2-22 and Page 2-26 section 2.6.3, the DEIR states *"Once the outlet tower excavation is complete and the facility is constructed, the rock plug would be removed. This would require conducting underwater excavation, including blasting."* The DEIR does not identify impacts associated with the construction of the new approach channel to the outlet tower or appropriate mitigation to offset these impacts. The proposed blasting and sediment removal could have significant impacts to fish due to concussive mortalities associated with blasting activities. Also, underwater excavation of the channel will degrade water quality which has the potential to impact fish. Potential mitigation for some of the impacts could be installation of siltation curtains around the perimeter of the excavation area, installation of acoustic barriers, and/or other means to minimize impacts to fish and water quality. A detailed plan to minimize the degradation of the water quality in Lake Perris should be developed, along with measures to minimize impacts to fish resources affected by blasting. This plan should be

included in the FEIR. Also, any fish species that are killed or injured from construction activities should be collected and disposed of appropriately. Section 1.87 of Title 14 prohibits the waste of any fish taken; therefore we recommend DWR work with the Department to minimize waste.

4. The DEIR indicates that additional lowering of the lake may be required to complete the excavation of the new approach channel. If there will be a need for further water level reduction of the lake, the impacts to the fish associated with this action needs to be identified and appropriate mitigation measures provided in the DEIR. Additional lowering of the lake will result in significant impacts to fish as further declines in the fish populations within the lake will occur.
5. In the DEIR, under Impacts 3.3-8 & 3.3-9 (Pages 3.3-77 thru 3.3-81) and the Recreation section, the impact to sport-fish and their habitat in Lake Perris is recognized. However, adequate mitigation was not provided. The fish in Lake Perris is a "Public Trust" resource and the DEIR should provide adequate mitigation to offset the impacts. The warm-water species in Lake Perris are the result of natural reproduction occurring within the lake. Lake Perris was initially stocked in the 70's when it was constructed and the fishery has been supported thereafter by natural reproduction. The subsequent fisheries for largemouth bass, bluegill, redear sunfish, and others species on which the angling public rely, are supported solely by said reproduction within the lake and not by regular stocking. The cold-water rainbow trout fishery is supported by the Department's regular hatchery stocking in cooler months, but because the Department stocking policies preclude stocking in waters with poor water quality, changes in water quality due to project activities has the potential to impact this program. The DEIR should address the impacts to the fishery and provide mitigation to offset these impacts.

The fishery impacts associated with this project are significant. The Department has conducted general fish surveys since the drawdown to determine the impact of the project on fish which are "Public Trust" resources. These surveys confirm the dam remediation project has caused a substantial reduction in all fish species and is having a significant impact on the Lake Perris sport-fishery. The DEIR states that the population of largemouth bass has decreased by 40% based on a Department population estimates from 2006. However, subsequent population estimates by the Department (using data through 2008) have found that the largemouth bass population has continued to decline since the 2005 drawdown and the 2006 estimate. Impacts to the fisheries resources are ongoing and will continue until the lake level is restored. The impacts include continued reduction in the populations of the fisheries species by attrition while the lake remains at its current reduced level, continued lack of suitable habitat, and additional population reduction associated with construction activities.

The Department does not believe that adequate mitigation for fishery impacts were provided in the DEIR. Mitigation measure 3.3-8 of the DEIR states in that *"DWR shall fund habitat placement and fish monitoring in Lake Perris for three*

4K

years, once the lake level is restored to Elevation 1588". However, a three year period will not be sufficient to recover the fisheries to pre-drawdown levels. The fishery at Silverwood Lake has yet to recover from the drawdown associated with DWR's inlet tower project which occurred in 1997 and this drawdown was a shorter period of time than the one at Lake Perris. The Department has estimated that ten years or more will be required for the fishery to recover from impacts associated with the Silverwood Lake drawdown. The Department agrees that installation of fish habitat as mitigation is necessary and we recommend that the mitigation measures and monitoring studies be undertaken for a minimum of ten years and until the fish population returns to pre-drawdown levels.

4M

6. The DEIR fails to identify any mitigation for the permanent impacts to waterfowl habitat. Based on the DEIR (Page 3.3-79) there will be a permanent loss of 24 acres of shallow-water habitat for resident and migratory waterfowl as a result of the use of the lakebed as a borrow area. Although the DEIR has included a mitigation measure for a 125-foot buffer zone to reduce impacts from the borrow area to waterfowl habitat, no mitigation was provided to offset the 24 acres of permanent loss of shallow-water habitat for resident and migratory. The Department recommends that an equivalent acreage of shallow-water habitat be created and maintained in perpetuity to adequately mitigate these impacts for waterfowl. The Department also recommends the borrow area be re-contoured to maximize aquatic plant growth for waterfowl use.

4N

Waters of the U.S. and State

Because the project will impact the lake and associated fish and wildlife resources, notification to the Department for a Lake and Streambed Alteration Agreement is required, pursuant to Section 1600 et seq. of the Fish and Game Code. The notification will need to address project impacts to the lake, riparian habitat, and fish and wildlife resources.

Habitat Conservation Plan

The Department believes the DEIR misrepresents the Lake Perris SRA and San Jacinto Wildlife Area (SJWA) lands in terms of the MSHCP in the "Habitat Conservation Plan" section (Page 3.3-82) of the DEIR. Although the DEIR is correct in saying these areas are outside the Criteria Area, what this section of the DEIR failed to explain was that these lands are identified as PQP lands in the MSHCP. The PQP lands contribute to the overall MSHCP reserve and to the conservation of the Covered Species. Criteria cells were not placed over PQP lands because they were already intended to make up a part of the reserve. As the DEIR described on Page 3.3-64, replacement lands must be provided at a minimum 1:1 ratio to replace any permanently impacted PQP lands. Replacement of PQP lands is subject to finding of equivalency (Section 7.2.4 of MSHCP). The DEIR needs to clearly identify the permanent loss of PQP lands by the

project and provide an analysis documenting that the replacement lands provide equivalent or superior biological value to the PQP lands lost.

Conclusion

The Perris Dam Remediation Program DEIR fails to adequately identify and discuss the project impacts to biological resources and does not provide sufficient mitigation to offset the impacts. Therefore, the Department recommends DWR address our above concerns in the FEIR. If you have any questions, you can contact me at (949) 458-1754 or Mike Giusti at (951) 926-7561.

Sincerely,



Leslie MacNair
Staff Environmental Scientist

cc: Karin Cleary-Rose, USFWS, Carlsbad, CA
Charles Landry, Regional Conservation Authority, Riverside, CA
Ron Krueper, California State Parks, Perris, CA



DEPARTMENT OF PARKS AND RECREATION

Ruth Coleman, Director

Inland Empire District
17801 Lake Perris Drive
Perris, CA 92571
(951) 443-2423
<http://www.parks.ca.gov>

April 12, 2010

Department of Water Resources
c/o Tom Barnes, ESA
707 Wilshire Boulevard, Ste. 1450
Los Angeles, CA 90017

Re: Draft Environmental Impact Report (DEIR) for the Perris Dam Remediation Project
SCH No. 2007061004

Dear Mr. Barnes:

The Inland Empire District of the Department of Parks and Recreation (State Parks) appreciates the opportunity to comment on the aforementioned project. State Parks is a trustee agency as defined by the California Environmental Quality Act (CEQA).

State Parks' mission in part is to provide for the health, inspiration, and education of the people of California by preserving the state's extraordinary biodiversity and creating opportunities for high quality outdoor recreation. As the office responsible for the stewardship of Lake Perris State Recreation Area (Lake Perris SRA), we have an interest and concern about potential changes to the park's resources, including facilities, natural, cultural, recreational.

Project Description

State Parks recognizes the efforts by DWR to minimize disruption and impacts to Lake Perris SRA because of the lake drawdown. However, the drawdown has altered the visitor's experience and effected resources. The reduction in recreational opportunities coupled with the long-term construction period is expected to exponentially affect the already impacted visitor experience, recreational opportunities, cultural and natural resources, economic factors and facilities. Nonetheless, maintaining the drawdown lake elevation below 1,588 has caused and will continue to cause a negative effect in the recreational and other resources at Lake Perris SRA until the project is complete. State Parks will remain committed in working with DWR and we support the proposed project.

5A

Aesthetics

For Mitigation Measure 3.1-3 we request coordination with State Parks on retaining large boulders to adorn finished trail/road. Coordination should include prior to construction photo documentation and after construction landscape design to determine the size and location of the boulders.

5B

Biological Resources

Since State Parks is responsible for the stewardship of Lake Perris State Recreation Area we request that State Parks shall be consulted, provide input and/or be in coordination with DWR and other agencies for all Mitigation Measures 3.3-1a – 3.3-11.

5C

All impacts to listed or otherwise protected species and their habitats need to be avoided or mitigated for to the satisfaction of the regulatory agencies.

5D

Specifically, in table 3.3-7 several species of bat are listed as having low or no potential to occur within the Biological Survey Area. Surveys in 1997 and '98 recorded several of these species occurring at Lake Perris SRA. These species include the: pocketed free-tailed bat, western mastiff bat, and the western yellow bat.

5E

Cultural Resources

State Parks suggest additional research regarding the Area of Potential Effect (APE). The DEIR lists four sites as being located within or adjacent to the project APE. The project footprint should include the following sites: CA-Riv-1697 (not within the SRA), -62, -604, -452, -489, -488, -605, -606, and -3024.

5F

We suggest addressing indirect impacts to cultural resources. Impacts, such as blasting, diesel exhaust, dust, and project personnel, have the potential to adversely impact sites outside of the direct project footprint. The rock art at CA-Riv-452 is at risk of damage by excessive dust and exhaust due to its proximity to the haul road and borrow operation. Measures and a monitoring program should be developed and implemented in consultation with a qualified rock art conservator to protect the panels at Riv-452.

5G

It appears Native American consultation may not have been adequately addressed. In addition to a letter, we suggest a follow up phone call to the identified representative.

5H

Hazardous Materials

State Parks request that Mitigation Measure 3.6-2 include park visitors.

5I

Land Use Planning

State Parks holds jurisdiction and land use authority for Lake Perris SRA. Please edit the Riverside County General Plan Land Use Planning section on page 3.8-1.

5J

Noise

We request coordination with State Parks regarding noise impacts as identified in Mitigation Measure 3.9-1b.

5K

Recreation

In reference to Impact 3.12-2 on page 3.12-14 the DEIR fails to identify how and who will be responsible for patrolling to ensure park visitors and boaters will not enter the construction zone along the southern shoreline of the lake. Of specific concern is the exclusion zone being placed approximately 200 ft. from the south shoreline to keep boaters a safe distance from construction during the entire two-year construction period. The DEIR lists "an exclusion buoy",

5L

but does not explain in detail the number, configuration or manner in which this "exclusion buoy" or system will be placed or operated? Additionally, who will be responsible for directing wayward boaters away who do not observe or recognize this construction exclusion zone? State Parks requests further detail and coordination in order properly address this issue.

5L

Again, we appreciate the opportunity to comment. If you have any questions, please contact me, or Enrique Arroyo, at (951) 453-6848.

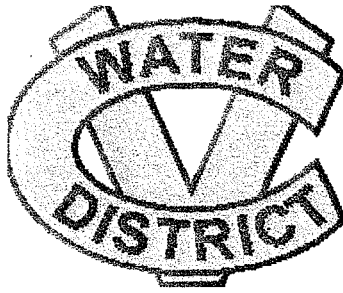
Sincerely,



Ron Krueper
District Superintendent

cc: Tony Perez, State Parks
Rick Rayburn, State Parks
Ronilee Clark, State Parks
John Rowe, State Parks
State Clearinghouse
DPLA Environmental Review Unit
Steve Watanabe, Department of Boating and Waterways
Mike Guisti, Department of Fish & Game
Doreen Stadtlander, U.S. Fish and Wildlife Service
Kevin Donhoff, Metropolitan Water District

JAN 27 REC'D



DESERT WATER



January 20, 2010

Mr. Mark Cowin, Director
Department of Water Resources
State of California, Resources Agency
P. O. Box 942836
Sacramento, CA 94236-0001

Dear Mr. Cowin:

On January 11, 2010, the California Department of Water Resources (DWR) issued a Notice of Availability (NOA) of a Draft Environmental Impact Report (Draft EIR) for the Perris Dam Remediation Project (Project). According to the NOA, interested parties have until February 25, 2010 to submit comments on the Draft EIR. By this letter, Coachella Valley Water District, Desert Water Agency, and The Metropolitan Water District of Southern California request a 45-day extension of the public review and comment period.

6A

Although we have not yet fully reviewed the Draft EIR, we note that it identifies returning Lake Perris to its historical operating level of 1588 feet above sea level as the preferred alternative for this Project. In our comments on the Notice of Preparation (NOP), our agencies expressed deep concern with this alternative, which assumes a consistent and stable supply from the State Water Project (SWP). As noted before, we believe such an assumption is unrealistic given the ecosystem problems in the Delta, which have lead to severe restrictions in SWP exports. These problems have grown worse since the NOP was issued in June 2007 and have been exacerbated by several years of drought. And while we are encouraged by recent progress in adopting legislation to support a comprehensive solution for these problems, any such solution is still many years away.

6B

In addition, as in the NOP, the Draft EIR appears to focus heavily on preserving the recreational uses of Lake Perris. Indeed, this project objective appears to be primary driver behind the preferred alternative, and was cited as the basis for rejecting a detailed review of other alternatives, such as decommissioning the reservoir. We believe the disproportionate weight given to this project objective is unwarranted given that Lake Perris is first and foremost

6C

supposed to be used for water storage and supply. If this facility is no longer able to serve this purpose in a dependable, cost-effective manner, then other alternatives must be more seriously considered.

6C

As we have stated in the past, our agencies understand the need to proceed as expeditiously as possible in implementing a long-term solution that ensures the safety of those who use and live near Lake Perris. Nonetheless, we want to be sure that whatever alternative is selected for this Project not only addresses the seismic safety issues at the dam, but meets the needs of our agencies and our ratepayers, which historically have paid for the vast majority of costs associated with this facility.

6D

To that end, we are asking DWR for a 45-day extension (until April 11, 2010) to submit comments on the Draft EIR. We believe this request is reasonable given the significant issues raised by the Project and the substantial financial commitment associated with implementation of the preferred alternative. Moreover, there is no imminent threat to life or property from this facility and it took DWR two and a half years to issue the Draft EIR, so while this Project is important, it clearly is not urgent.

6E

Finally, we note that two of the three letters our agencies submitted to DWR regarding the NOP were not included or addressed in Appendix A of the Draft EIR. We have attached copies of those two letters with this one, and ask that they be included as part of the administrative record for this Project.

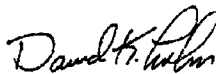
6F

Thank you in advance for your prompt consideration of our request for an extension. So that our agencies can make appropriate arrangements, we would appreciate a response by no later than Friday January 29, 2010. Please call us if you have any questions. For Dave Luker you may call (760) 323-4971 x111, for Steve Robbins you may call (760) 398-2661, and for Jeff Kightlinger you may call (213) 217-6211.

Very truly yours,



Steve Robbins
General Manager and
Chief Engineer
Coachella Valley Water District



Dave Luker
General Manager
Desert Water Agency



Jeffrey Kightlinger
General Manager
The Metropolitan Water District
of Southern California

Enclosures:

1. Joint Letter on Perris Dam NOP dated 7/2/07
2. Joint Letter on Perris Dam NOP dated 9/28/07

cc: Mr. Ralph Torres, Deputy Director
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001
rtorres@water.ca.gov

Mr. Rich Sanchez, Chief
Division of Engineering
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001
richs@water.ca.gov

Mr. Carl Torgersen, Chief
Division of Operations and Maintenance
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001
carlt@water.ca.gov

Mr. Rob Cooke, Chief
State Water Project Analysis Office
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236-0001
cooke@water.ca.gov

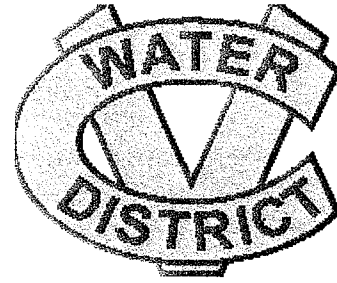
Mr. Dave Samson, Chief
State Water Project Operations Support Office
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001
Samson@water.ca.gov

Ms. Jeanne Kuttel, Chief
Geotechnical and Structures Branch, Division of Engineering
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001
jeanne@water.ca.gov

✓ Mr. Tom Barnes
Perris Dam Remediation Program
Environmental Science Associates
707 Wilshire Boulevard, Suite 1450
Los Angeles, CA 90017
Fax: (213) 599-4301



DESERT WATER



July 2, 2007

Mr. Lester Snow, Director
Department of Water Resources
State of California, Resources Agency
P. O. Box 942836
Sacramento, CA 94236-0001

Dear Mr. Snow:

On June 2, 2007, the California Department of Water Resources (DWR) issued a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Perris Dam Remediation Project (Project). According to the NOP, DWR's preferred alternative is to return Lake Perris to its historical operating level of 1588 feet above sea level. To accomplish this, DWR is proposing to construct a stability berm along the face of the dam, retrofit the existing outlet tower at the left abutment, and make improvements to the emergency outlet release facility. All of these modifications would be constructed "without draining the lake in an effort to maintain the beneficial uses of the State Recreation Area."

At the outset, we want to emphasize that Desert Water Agency, Coachella Valley Water District, and The Metropolitan Water District of Southern California fully support the primary objective of the Project, which is to address the seismic hazards at Lake Perris. Likewise, our agencies understand the need to proceed as expeditiously as possible in implementing a long-term solution that ensures the safety of those who use and live near this facility. That said, we have serious concerns with how DWR has identified the preferred alternative for this Project.

As you know, the current ecosystem problems in the Bay-Delta have created a large amount of uncertainty with respect to the delivery of water from the State Water Project (SWP). The decline of pelagic organisms, including the Delta smelt, has lead DWR to significantly reduce SWP exports over the past two months. In addition, these declines have prompted various environmental groups to file state and federal lawsuits seeking drastic restrictions on SWP pumping operations. Ultimately, it could take several years to determine the causes of these declines and longer to correct them.

Given these circumstances, it is wholly premature for DWR to commit to restoring Lake Perris to its historical operating level. This preferred alternative is based on the assumption that SWP pumping operations will return to and remain at sustained levels in the near future. Yet, such an

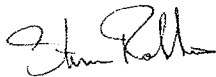
assumption is not reasonable at this point in time. Furthermore, DWR's preferred alternative focuses too heavily on preserving the recreational uses of Lake Perris. Indeed, the decision to proceed with this alternative seems to be based entirely on recreation justifications, as opposed to water supply considerations.

For these reasons, we urge DWR to delay making any further decisions or taking any further action on this Project until it has more fully evaluated the best approach for addressing the seismic safety issues at Lake Perris, and how that approach would fit into the long-term plans for SWP reliability. As the NOP notes, there is no imminent threat to life or property from this facility. To the extent that safety is an immediate concern, we recommend that DWR further reduce the current operating level of the reservoir or, if necessary, withdraw all water from Lake Perris and temporarily cease using this facility.

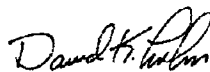
In sum, until DWR demonstrates that the SWP can reliably deliver sufficient water supplies from the Delta, our agencies cannot and will not support the current proposal for rehabilitating the dam and restoring the reservoir to its historical operating level. Of course, if DWR decides to proceed with this Project in order to support recreation or other purposes unrelated to water supply, that certainly is its prerogative. However, DWR should not expect our agencies to bear the financial burden associated with that decision.

Thank you for your consideration in this matter. Please call us if you have questions or would like to discuss this issue further. For Steve Robbins you may call (760) 398-2661, for Dave Luker you may call (760) 323-4971 x111, and for Jeff Kightlinger you may call (213) 217-6211.

Very truly yours,



Steve Robbins
General Manager and
Chief Engineer
Coachella Valley Water District



Dave Luker
General Manager
Desert Water Agency



Jeffrey Kightlinger
General Manager
The Metropolitan Water District
of Southern California

CG:

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cc: Mr. Steve Robbins
General Manager-Chief Engineer
Coachella Valley Water District
P.O. Box 1058
Coachella, CA 92236

Mr. Dave Luker
General Manager-Chief Engineer
Desert Water Agency
P.O. Box 1710
Palm Springs, CA 92263

Mr. Ralph Torres, Deputy Director
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Mr. Rich Sanchez, Chief
Division of Engineering
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Mr. Carl Torgerson, Chief
Division of Operations and Maintenance
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

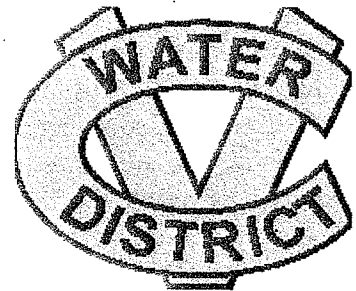
Ms. Teresa Sutliff
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Mr. Rob Cooke, Acting Chief
State Water Project Analysis Office
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236-0001

Ms. Jeanne Kuttel
Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001



DESERT WATER



September 28, 2007

Mr. Lester Snow
Director
Department of Water Resources
State of California, Resources Agency
P. O. Box 942836
Sacramento, CA 94236-0001

Dear Mr. Snow:

Perris Dam Remediation Project

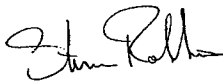
The undersigned agencies, Metropolitan Water District of Southern California (Metropolitan), Desert Water Agency (DWA), and Coachella Valley Water District (CVWD) are writing to express concerns with plans to repair Lake Perris Dam. As you are aware, our agencies pay for 100% of the water-supply related costs associated with Lake Perris. Accordingly, this letter is to clarify and augment our previous comments submitted on July 2. We agree that the safety of the public is of paramount importance and that the ultimate fate of the Lake Perris Dam should be decided upon as soon as possible. Nevertheless, Delta Smelt protection measures have underscored the need for the Department of Water Resources (DWR) to adequately address a number of issues in the EIR.

Because Delta Smelt protection measures could result in reducing our supplies from the State Water Project (SWP) until a long-term Bay/Delta solution is in place, any financial investment in SWP facilities going forward must be carefully evaluated. Not only do these measures affect the water supply reliability of the SWP but they also call into question both the need for and priority of any future investments in infrastructure until water supply assurances are in place. Moreover this reduced water supply reliability, coupled with investments in infrastructure, will significantly increase our costs. These unprecedented cost increases on the SWP have strained the ability of our agencies to pay for dam remediation at Lake Perris. Accordingly, DWR needs to take these factors into account in identifying, analyzing and selecting a preferred alternative.

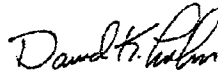
We recognize the importance of Lake Perris to the State in terms of recreation and fish and wildlife enhancement. As such, we have been working aggressively with state and local agencies to develop solutions to a number of issues that have constrained use of the reservoir for these and others purposes. These solutions have included making significant efforts to operate the reservoir so as to preserve recreation, water quality, fisheries and endangered species. However, as a result, our ability to benefit from the originally-intended use of the reservoir-- water supply-- has been significantly impaired. We believe that DWR must recognize that Lake Perris is, first and foremost, a water supply facility. To the extent that actions are taken to support or promote other uses of Lake Perris, then those beneficiaries of such uses should pay their fair share of these costs associated with these actions. To that end, our agencies are ready and willing to work cooperatively with DWR and other state and local agencies in developing a funding plan to ensure development of a long-term solution for such uses.

Thank you very much for your help and assistance in this matter. We will be contacting DWR to schedule a meeting to discuss these issues further. Please contact us if you have questions.

Very truly yours,



Steve Robbins
General Manager/Chief Engineer
Coachella Valley Water District



Dave Luker
General Manager
Desert Water Agency



Jeffrey Kightlinger
General Manager
Metropolitan Water District
of Southern California

JM:tt

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cc: Mr. Steve Robbins
General Manager/Chief Engineer
Coachella Valley Water District
P.O. Box 1058
Coachella, CA 92236

Mr. Dave Luker
General Manager
Desert Water Agency
P.O. Box 1710
Palm Springs, CA 92263

Mr. Ralph Torres
Deputy Director
Department of Water Resources
P.O. Box 942836

Sacramento, CA 94236-0001

Mr. Rich Sanchez
Chief
Division of Engineering
Department of Water Resources

Mr. Carl Torgerson
Chief
Division of Operations and Maintenance
Department of Water Resources

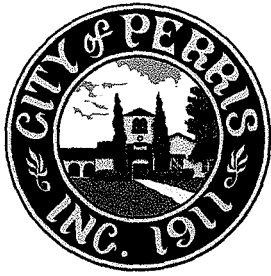
Ms. Teresa Sutliff
Supervising Engineer, Water Resources
Department of Water Resources

Mr. Rob Cooke
Acting Chief
State Water Project Analysis Office
Department of Water Resources

Ms. Jeanne Kuttel
Principal Engineer
Department of Water Resources

Ms. Ruth Coleman
Director
California Department of Parks and Recreation
P.O. Box 924896
Sacramento, CA 94296-0001

Mr. Gary Watts
Inland Empire District Superintendent
California Department of Parks and Recreation
17801 Lake Perris Drive
Perris, CA 92571



CITY OF PERRIS

OFFICE OF THE CITY MANAGER

101 NORTH D STREET
PERRIS, CA 92570-2200
TEL.: (951) 943-6100

February 10, 2010

RECEIVED

FEB 23 REC'D

Tom Barnes, ESA, on behalf of
the California Department of Water Resources
Perris Dam Remediation Program
707 Wilshire Boulevard, Ste. 1450
Los Angeles, CA 90017

ENVIRONMENTAL SCIENCE ASSOC.
LOS ANGELES

LAKE PERRIS DAM – DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Mr. Barnes:

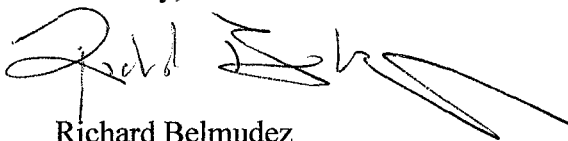
Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Lake Perris Dam Remediation Program. The City of Perris has reviewed the Draft EIR, and offers the following comments.

1. For the most part this project falls outside the purview of the City. It involves reconstruction of a portion of the earth fill dam, stabilization of the toe of the dam and new construction of a berm against the face of the dam to reduce the risk of failure in a seismic event. This work all takes place within the confines of the Lake Perris State Park. 7A
2. The one aspect of the project that does concern the City is the new emergency outlet, which is proposed to run along the north side of Ramona Expressway, immediately adjacent to the road, from the face of the dam to the Perris Valley Storm Drain.
3. The City previously commented on this project in response to the Notice of Preparation that DWR put out. In that response, we asked that the DWR consider the emergency outlet's impact on the proposed master drainage facility Line U. The RCFC made the same request in their response to the NOP. However, there is no mention of Line U in the DEIR, nor is there any discussion of future master drainage facilities. The discussion of drainage is limited to analysis of how the project could impact existing facilities and drainage patterns. On page 3.7-8 of the DEIR, it is stated that "Neither emergency outlet extension alternative would disrupt local storm water runoff systems". 7B
4. It is clear that the proposed emergency outlet channel would impact the future MDP facility as they run in the same alignment. This needs to be discussed in the EIR. 7C
5. The emergency outlet is being designed for a capacity of 1500 cfs. Per the NDP, the design flow rate for Line U is 965 cfs at its confluence with PVSD. Thus, the emergency outlet could reasonably be used to convey storm runoff as well. As a condition of issuing encroachment permits for the outlet's crossing of city streets, we should require that the emergency outlet be designed as a dual use facility that serves a flood control purpose. 7D

6. The current ROW footprint for the Ramona Expressway is not sufficient to achieve build-out of the roadway per the circulation element. The DWR needs to install emergency outlet channel minimum of 92' north of Ramona Expressway centerline. 7E
7. Two different alternatives are proposed for the emergency outlet facility. One is an open channel, and the other is an underground pre-cast concrete tunnel. The open channel alternative for the emergency outlet involves permanent impacts to the motocross track. DWR should make sure that local residents and the businesses are aware of this potential impact, which the EIR classifies as "significant and unavoidable." 7F
8. In the City's response to the NOP, we asked that the project's impact to local traffic, particularly Ramona Expressway be considered in the project specific traffic study. However, no traffic study was included within the EIR. 7G
9. The EIR indicates that construction of the emergency outlet will require excavation of 360,000 cubic yards of material. This material would be stockpiled at the dam site and used in construction of the stabilization berm. There is no discussion within the EIR of how material would be moved from the channel excavation site to the dam. If Ramona Expressway is to be used, where and how will dirt trucks get on and off the highway? This should be addressed. Trucks entering and exiting the highway should be restricted to signalized locations for safety reasons and provide a mechanism to repair the City roads damaged during construction. 7H
10. In the preferred alternative for the project, borrow material is generated onsite and hauled from the dry lake bed to the construction site. Trucks would not have to use any city streets, which is very desirable. However, section 6.4 of the DEIR discusses an alternate source of borrow material from an outside quarry site, to avoid impact around the lake. This proposal would have significant negative impact on the City of Perris, as it would result in approximately 2 million cubic yards of material being hauled on city streets to the dam. It would also be likely to create a distortion in the local demand and thus price of raw construction materials, causing the cost of all other local construction projects to increase. The city strongly opposes use of an alternate borrow location outside of the project area. 7I

Thank you again for this opportunity to comment on the Draft Environmental Impact Report for the Lake Perris Dam Remediation Program. If you require any additional information, please contact Habib Motlagh, City Engineer at (951) 943-6504.

Sincerely,



Richard Belmudez
City of Perris, City Manager



RIVERSIDE COUNTY FIRE DEPARTMENT
IN COOPERATION WITH
THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

John R. Hawkins ~ Fire Chief
210 West San Jacinto Avenue ~ Perris, CA 92570
(951) 940-6900 ~ www.rvcfire.org

PROUDLY SERVING THE
UNINCORPORATED AREAS
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RANCHO MIRAGE
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**BOARD OF
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DISTRICT 5

February 21, 2010

ESA

Tom Barnes
707 Wilshire Blvd., Ste. 1450
Los Angeles, CA 90017

***RE: California Department of Water Resources, Perris Dam Remediation Program
Project, Draft Environmental Impact Report SCH # 2007061004***

Dear Mr. Barnes,

Thank you for providing the Riverside County Fire Department the opportunity to
comment on the Perris Dam Remediation Program Project.

With respect to the referenced project, the Riverside County Fire Department has the
following comments:

The following comments reflect the construction phase of the project.

The proposed project(s) will add to the cumulative adverse affect on the Fire
Department's ability to maintain the current level of service. These impacts include fire
and medical emergencies as well as public service calls, all due to the increased presence
of road maintenance vehicles and potential traffic congestion.

8A

Mitigation measures should be considered in order to help reduce these impacts to a
level below significance.

In the interest of Public Safety, the project shall provide an Alternate or Secondary
Access(s) as stated in the Transportation Department Conditions. Said Alternate or
Secondary Access(s) shall have concurrence and approval of both the Transportation and
Fire Departments, and shall be maintained throughout any phasing.

8B

The project shall maintain two (2) points of access, via all-weather surface roads, as
approved by the Fire Prevention Bureau.

Non fire related medical emergencies could temporary increase with the presence of
construction workers and heavy machinery during construction of the project.

Temporary road closures, lane closures, or detour routes may impair response times by
the fire department and other emergency service providers.



As with any additional construction within a response area, a “cumulative” increase in requests for service will add to the Fire Department’s ability to provide adequate service.

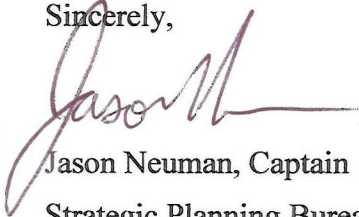
In addition, provide Fire Department vehicle access roads; unobstructed width of not less than twenty-four (24) feet and an unobstructed vertical clearance of not less than thirteen (13) feet six (6) inches. (CFC 902.2.2.1)

Construction activities could result in traffic delays that could affect the ability of fire and emergency service units to meet response time goals within the project area.

The California Fire Code outlines fire protection standards for the safety, health, and welfare of the public. These standards will be enforced by the Fire Chief.

If I can be of further assistance, please feel free to contact me at (951) 940-6349 or e-mail me at jason.neumann@fire.ca.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jason M.", with a stylized flourish extending to the right.

Jason Neuman, Captain

Strategic Planning Bureau

8B



RECEIVED

MAR 02 REC'D

ENVIRONMENTAL SCIENCE ASSOC
LOS ANGELES

A Joint Powers Authority

February 22, 2010

**RCHCA
Board of Directors**

City of Corona
Eugene Montanez

City of Hemet
Robin Lowe

City of Lake Elsinore
Melissa Melendez

City of Menifee
Fred Twyman

City of Moreno Valley
William H. Batey II

City of Murrieta
Gary Thomasian
Chairperson

City of Perris
Mark Yarbrough

City of Riverside
Mike Gardner

County of Riverside
Supervisor Bob Buster

City of Temecula
Maryann Edwards
Vice-Chair

City of Wildomar
Bob Cashman

Executive Director
Carolyn Syms Luna

General Counsel
Karin Watts-Bazan
Deputy County Counsel

Mr. Tom Barnes, ESA
California Department of Water Resources
Perris Dam Remediation Program
707 Wilshire Blvd., Suite 1450
Los Angeles, CA 90017

Re: Draft Environmental Impact Report Department of Water Resources Perris Dam Remediation Project

Dear Mr. Barnes:

The Riverside County Habitat Conservation Agency (RCHCA) is the agency that implements the Stephens' Kangaroo Rat (SKR) Habitat Conservation Plan (HCP). The RCHCA examined the Draft Environmental Impact Report for the Department of Water Resources Perris Dam Remediation project.

We have two areas of comment relating to Section 3.3, Biological Resources:

3.3-4 relates to non-native annual grassland habitat presumed to support the federally listed endangered SKR

In the second bullet under Mitigation Measure 3.3-4, you state that in the event that avoidance of SKR is infeasible and unavoidable, you propose that, with the approval of the RCA, a USFWS SKR trapping and relocation effort be undertaken.

1. The RCHCA, not the RCA, is the Agency that implements the SKR HCP and is the contact agency regarding SKR related matters within the project area.
2. We are not aware of an approved SKR translocation program that would allow for the relocation of impacted SKR. Mitigation for incidental take of SKR is described in numbers 2 and 3 below.

3.3-11 relates to, among other things, the protection of SKR under the SKR HCP.

1. The SKR HCP does not require that indirect impacts to the SKR be mitigated.
2. Because this is a "public" project, if incidental take of SKR will occur, mitigation for incidental take of SKR occupied habitat within the San Jacinto Lake Perris Core SKR Reserve would be achieved by replacing each acre of SKR occupied habitat disturbed within the reserve with an acre of SKR occupied habitat outside of the reserve. Replacement habitat must be approved by the US Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), and the RCHCA.

9A

9B

Mr. Tom Barnes, ESA
February 22, 2010
Page 2

3. Because this is a "public" project and because California Department of Water Resources is exempt from having to obtain RCHCA member agency permits, if take of SKR will occur outside of the San Jacinto Lake Perris Core SKR Reserve, the RCHCA would issue authorization directly to the California Department of Water Resources.
4. Under any of the circumstances above, because this is a public works project, it is exempt from mitigation fees.

9C

Thank you for the opportunity to provide comment on the Draft Environmental Impact Report for the Department of Water Resources Perris Dam Remediation Project.

Sincerely,



Carolyn Syms Luna
Executive Director

CSL:GB:kh



April 12, 2010

Mr. Mark Cowin, Director
California Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236-0001

Dear Mr. Cowin:

Comments on Draft Environmental Impact Report for Perris Dam Remediation Program
(SCH No. 2007061004)

On January 11, 2010, the California Department of Water Resources (DWR) circulated a Draft Environmental Impact Report (Draft EIR) for the proposed Perris Dam Remediation Program (Project). The proposed Project has not changed in any material respect from what was described in the Notice of Preparation (NOP) issued on June 1, 2007. Thus, not surprisingly, the Draft EIR identifies returning Lake Perris to its historical operating level of 1588 feet above sea level as the preferred alternative for the proposed Project.

As you are aware, Metropolitan Water District of Southern California (MWD), Coachella Valley Water District (CVWD) and Desert Water Agency (DWA) are the only agencies with contractual rights to use Lake Perris for water supply and storage purposes and historically have paid approximately 95% of the costs associated with this facility. As such, we have a keen interest in the proposed Project and appreciate the opportunity to provide comments on the Draft EIR.

Unfortunately, it does not appear that our comments on the NOP were heeded in preparing the Draft EIR. For example, while the Draft EIR notes that the reliability of State Water Project (SWP) deliveries has declined as a result of the regulatory restrictions on pumping from the Bay-Delta, it paradoxically concludes that the proposed Project would not affect or be affected by these reliability issues. We disagree. Until a solution to the ecosystem problems in the Bay-Delta is developed and implemented, it is not reasonable to assume that Lake Perris can and will be maintained at historical operating levels.

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In addition, the objectives for the proposed Project set forth in the Draft EIR remain skewed toward preserving the recreational and environmental uses at Lake Perris. Lake Perris is, first and foremost, a water supply and storage facility. If Lake Perris is no longer able to serve in this capacity in a dependable and cost-effective manner, then alternatives to restoring the lake to its historic operating level should be more seriously considered by DWR.

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Of course, our agencies recognize and support the mandate of the Davis-Dolwig Act that SWP facilities are to be constructed "in a manner consistent with the full utilization of their potential for the enhancement of fish and wildlife and to meet recreational needs." But the Davis-Dolwig Act also makes clear that these uses benefit "all of the people of California" and that the costs attributable to such uses "should be borne by them." Thus, if DWR decides to proceed with the proposed Project, then it should acknowledge that the primary reason for doing so is to promote recreational and environmental uses at the lake for which the State is financially responsible.

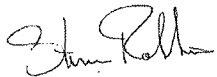
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MWD, CVWD and DWA have a number of other concerns with the Draft EIR, which are set forth in the attachment to this letter. It suffices to say that we do not believe this document is adequate and urge DWR to fully address our concerns before committing hundreds of millions of dollars toward the proposed Project. As we have stated in the past, our agencies understand the need to proceed as expeditiously as possible in implementing a long-term solution that ensures the safety of those who use and live near Lake Perris. However, we want to be sure that whatever alternative is selected for this Project not only addresses the seismic safety issues at the dam, but also meets the needs of our agencies and ratepayers.

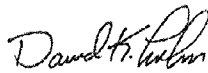
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Thank you in advance for your consideration of our comments. Please call us if you have any questions. For Dave Luker you may call (760) 323-4971 x111, for Steve Robbins you may call (760) 398-2661, and for Jeff Kightlinger you may call (213) 217-6211.

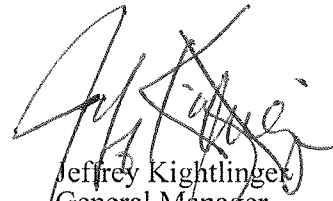
Very truly yours,



Steve Robbins
General Manager and
Chief Engineer
Coachella Valley Water District



Dave Luker
General Manager
Desert Water Agency



Jeffrey Kightlinger
General Manager
The Metropolitan Water District
of Southern California

Attachment 1 – Specific Comments on Perris Dam Remediation Draft EIR

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**JOINT COMMENTS BY MWD, CVWD AND DWA
ON DRAFT EIR FOR PERRIS DAM REMEDIATION PROGRAM**

Statement of Project Purpose and Objectives

One of the objectives cited for the proposed Perris Dam Remediation Project (“Project”) is to “[m]aximize beneficial uses of Lake Perris SRA *by restoring the reservoir to pre-drawdown water levels.*” (Draft Environmental Impact Report (“EIR”), pp. 2-7, 6-2 [emphasis added].) However, restoring Lake Perris to its historical operating level should be characterized as an alternative, rather than an objective. Indeed, the objective of restoring the lake to its pre-drawdown condition is the equivalent of saying that one of the Project’s objectives is to implement the Project. By including this overly narrow project objective in the Draft EIR, the Department of Water Resources (“DWR”) appears to have preordained selection of the proposed Project as the preferred alternative. This constitutes an impermissible pre-commitment to a course of action that precludes any meaningful environmental review.

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Another objective cited for the proposed Project is to “[m]aintain SWP delivery commitments.” (Draft EIR, p. 2-7.) While this is laudable, we question its validity as an objective for this particular project for several reasons.

First, as noted in our prior comments on the Notice of Preparation (“NOP”), environmental problems in the Bay-Delta have resulted in severe reductions in the supplies of water Metropolitan Water District of Southern California (“MWD”), Coachella Valley Water District (“CVWD”) and Desert Water Agency (“DWA”) receive from the State Water Project (“SWP”). (See Joint Letters from MWD, CVWD and DWA to DWR re: NOP, dated July 2, 2007 and September 28, 2007; Letter from MWD to DWR re: NOP, dated July 2, 2007.) These problems have gotten worse since the NOP was issued in 2007 and a solution to them is still many years away. Until a solution is in place, there is no assurance that sufficient supplies will be available to refill Lake Perris, let alone to maintain the reservoir at its historic operating level from year to year. As such, it is not at all clear how the proposed Project will assist DWR in maintaining its SWP delivery commitments, especially in the near term.

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The Draft EIR acknowledges the problems in the Bay-Delta but concludes, without support, that the proposed Project “would not affect, or be affected by SWP reliability.” (Draft EIR, p. 2-3.) This conclusion defies logic. Without dependable exports from the Bay-Delta, it is not reasonable to expect that Lake Perris can and will be operated in same manner as before. If DWR truly believes that the proposed Project is not affected by the reliability of water

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deliveries from the SWP, then it must provide a reasoned basis for this belief as part of the environmental analysis contained in the Draft EIR.

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Second, to the extent this or any other project objective is based on the perceived water supply needs of MWD, CVWD and DWA – the only agencies that actually use this facility -- then it is entirely misplaced. In this regard, the Draft EIR asserts that Lake Perris provides “a key water supply to Southern California State Water Contractors including the Metropolitan Water District of Southern California.” (Draft EIR, p. 2-1; see also Draft EIR, p. S-1 [same].) This vastly overstates the importance of this facility to our agencies.

MWD, for example, has withdrawn a total of approximately 290,000 AF from Lake Perris over the past decade. This represents approximately 1.3% of the water MWD delivered to its member agencies during the same period. Furthermore, while Lake Perris provides MWD with somewhat greater flexibility in scheduling SWP deliveries and handling shortages, this facility does not represent a “key water supply.” Likewise, CVWD and DWA take delivery of SWP water upstream of Lake Perris and do not consider this facility to be critical to meeting their water supply, management or storage needs.

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Third, even if DWR could guarantee a full reservoir immediately upon completion of the proposed Project, it still would not be justified from a water supply and storage perspective. Initial estimates indicate that the proposed Project will cost upwards of \$300 million dollars to implement. MWD, CVWD and DWA strongly believe that there are far more cost-effective means of obtaining the water supply and storage benefits historically provided by Lake Perris. These include capital improvements and operational changes that our agencies could pursue on their own in lieu of the proposed Project. For these reasons, the objective of maintaining SWP delivery commitments cannot be used as a basis for moving forward with the proposed Project. Rather, this objective supports pursuing more economical alternatives that could provide real water supply benefits to MWD, CVWD and DWA.

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Finally, MWD, CVWD and DWA believe that the objectives identified in the Draft EIR are inappropriately skewed toward maintaining and promoting the recreational and environmental uses of Lake Perris. As the Draft EIR notes, Lake Perris is “primarily a water supply reservoir” and its use for recreation, fish and wildlife enhancement and other purposes “is subordinate to the water supply project purpose.” (Draft EIR, p. 2-5.) Nonetheless, three of the proposed Project’s stated objectives are directed at maximizing riparian habitat at and recreational use of the Lake Perris State Recreation Area (“SRA”). (See Draft EIR, p. 2-7.)

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Of course, DWR may conclude that the recreational and environmental objectives warrant moving forward with the proposed Project. But if so, DWR will need to assess the feasibility of implementing the proposed Project in the absence of funding from our agencies. DWR

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cannot expect MWD, CVWD and DWA to pay for the costs of a project that, in our view, is too costly and wholly unnecessary to meet our agencies' water supply and storage needs.

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Description of Project and Environmental Baseline

The Draft EIR acknowledges that “a project’s potential impacts should be assessed against the existing baseline condition at the time the NOP is published (§15125).” (Draft EIR, p. 2-8.) Nonetheless, the Draft EIR goes on to state:

However, for purposes of this project, the baseline condition is assumed to be the pre-drawdown condition that was present in spring of 2005, before DWR implemented the 25 foot water level drawdown in the reservoir. The drawdown was conducted as an emergency public safety action and was identified as such in a CEQA Categorical Exemption filed by DWR in August 2005. For purposes of this EIR, the drawdown of the lake from an elevation of 1588 feet amsl to the current elevation of 1563 feet amsl, and subsequent improvements implemented by DWR to the facilities at the Lake Perris SRA are considered to be part of the project description.

(*Ibid.*)

The California Supreme Court has made it clear that the impacts of a proposed project are “ordinarily to be compared to the actual environmental conditions existing at the time of CEQA analysis, rather than to allowable conditions.” (*Communities for a Better Environment v. South Coast Air Quality Management District* (2010) ___ Cal. 4th ___ (Case No. S161190).) As noted by the court, “An approach using hypothetical allowable conditions as the baseline results in ‘illusory’ comparisons that ‘can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts,’ a result at direct odds with CEQA’s intent.” (*Ibid.*)

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Accordingly, the Draft EIR should not have used the historical operating level of Lake Perris as the project baseline. By doing so, the Draft EIR has muddled the analysis of environmental impacts and feasible mitigation measures, particularly in the sections regarding biological resources and growth inducement. Compounding this problem is the fact that the drawdown of Lake Perris and improvements made to the Lake Perris SRA in response to the drawdown are included as part of the proposed Project. (See Draft EIR, p. 2-8.) Since these actions previously were exempted under CEQA and already have occurred, they cannot be considered part of the proposed Project.

Lastly, as discussed above, the Draft EIR failed to account for the ecosystem problems in the Bay-Delta and their adverse effect on the supply and delivery of SWP water to Southern

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California. This omission has resulted in an inaccurate description of existing conditions and, in turn, the use of a flawed environmental baseline throughout the Draft EIR.

In comments on the NOP, MWD raised this very issue:

The environmental setting/baseline conditions must be based on and take into account the existing problems associated with Bay/Delta water deliveries and the uncertainties these problems create to Southern California. These deliveries are and will be unreliable due to environmental and regulatory constraints, and therefore must be considered in the context of the proposed repairs at Lake Perris. In that way, the Draft EIR can then adequately forecast potential environmental impacts and provide for appropriate, feasible mitigation measures.

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(See Letter from MWD to DWR re: NOP, dated July 2, 2007.)

Notwithstanding this admonishment, the Draft EIR dismissed the ecosystem problems in the Bay-Delta as having no impact on the proposed Project, without providing any support for doing so. (Draft EIR, p. 2-3.) The outcome is an analysis of potential impacts, feasible mitigation measures and alternatives that is fundamentally inadequate.

Analysis of Project Impacts

Apart from selecting a flawed baseline to assess the proposed Project's potential impacts, the Draft EIR is not even consistent in applying it. Instead, the Draft EIR oscillates between using pre- and post-drawdown conditions.

For example, Section 3.3 of the Draft EIR provides a description of the plant communities that have colonized the exposed lakebed since the emergency drawdown of Lake Perris in 2005. The Draft EIR goes on to assess the potential impacts to these new plant communities resulting from both drawdown and refilling of the reservoir. However, the analysis of impacts resulting from the drawdown is entirely after-the-fact. And if, as the Draft EIR asserts in Section 2.4, the baseline for the proposed Project is the pre-drawdown level, then the current conditions at the lake and the impacts resulting from refilling it are irrelevant.

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Similarly, Section 3.12 of the Draft EIR discusses the impacts to recreation associated with the 2005 drawdown of Lake Perris. But once again, this is a post-hoc analysis of impacts and is not based on the pre-drawdown baseline that is set forth in Section 2.4.

This discussion of both pre- and post-drawdown conditions in the Draft EIR is very confusing. In addition, it makes it difficult to decipher what the potential impacts of the proposed Project really are and whether the mitigation measures cited are adequate and feasible.

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Finally, the analysis of construction and operational impacts is inconsistent throughout the Draft EIR. Certain sections, such as air quality and noise, address operational impacts, while the majority address only construction impacts. Likewise, it does not appear that all components of the proposed Project (drawdown, dam remediation, outlet tower replacement, emergency outlet extension, and refilling) were evaluated consistently throughout the resource sections. For example, there was very little discussion of the impact of reservoir refilling in the various resource sections. The construction and operational impacts of each component of the proposed Project must be analyzed for each resource that is potentially affected.

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Analysis of Project Alternatives

MWD, CVWD and DWA have deep concerns with the Draft EIR's analysis of alternatives. Of the nearly 650 pages included in the Draft EIR, a mere 18 pages are devoted to possible alternatives to the proposed Project. (See Draft EIR, Chapter 6.) Moreover, only 10 of these pages discuss alternatives to dam remediation, the most important component of the proposed Project. (Draft EIR, pp. 6-2 to 6-12.)

Admittedly, there is no precise formula for determining the amount of detail required in analyzing project alternatives. But generally it should "correspond to the degree of specificity involved in the underlying activity which is described in the EIR." (*Al Larson Boat Shop, Inc. v. Board of Harbor Comrs.* (1993) 18 Cal. App. 4th 729, 746.) This analysis must include sufficient information and "meaningful detail" for interested parties to "understand, evaluate, and respond" to the lead agency's conclusions concerning potential alternatives. (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal. 3d 376, 404-405. In addition, "there must be a disclosure of the 'analytic route the . . . agency traveled from evidence to action.'" (*Id.* at p. 404 [citing *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506, 515].) In other words, "'the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions.'" (*Id.* at p. 404 [quoting *Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal. 3d 929, 935]; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 730-737 [requiring "quantitative, comparative analysis" of alternatives in an EIR].)

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Unfortunately, the Draft EIR contains only the most cursory discussion of project alternatives and almost all of it consists of unsupported conclusions. (See Draft EIR, pp. 6-2 to 6-16.) In many instances the “impact assessment” consists of a single sentence stating whether the alternative would have a greater or lesser impact on a particular resource as compared to the proposed Project. (See, e.g., Draft EIR, pp. 6-7 to 6-8 [concluding without explanation that the Reduced Dam Alternative “would be similar to the proposed project” with respect to cultural resources, geology, hazardous materials, land use, noise, public safety, public services, and traffic].) Likewise, the analysis of each alternative’s ability to meet project objectives essentially consists of a single table with “yes” or “no” answers. (See Draft EIR, p. 6-4 [Table 6-1].)

As a result, there is no way to accurately evaluate the relative merits of the alternatives presented in the Draft EIR. In particular, there is no way to assess the degree to which each alternative would support water supply and storage functions, as opposed to other functions. This type of quantitative, comparative analysis is needed here since the primary purpose of Lake Perris is to serve as water supply reservoir. (Draft EIR, p. 2-5.) All other uses are subordinate. (*Ibid.*)

Ironically, the Draft EIR goes into far more detail in assessing the possibility of obtaining fill materials from off-site quarries, rather than from a borrow area on site. (See Draft EIR, pp. 6-16 to 6-18.) Among other things, the Draft EIR provides detailed calculations of the anticipated air emissions resulting from use of these off-site quarries and specific estimates of the financial impacts to the proposed Project. (*Ibid.*) Yet, this is the least important aspect of the proposed Project.

Furthermore, we do not understand why economic factors were used to evaluate the alternative borrow site, but not used to assess alternatives to the dam remediation, outlet tower replacement and emergency outlet extension components of the proposed Project, which are far more critical. (Compare Draft EIR, pp. 6-16 to 6-18, with Draft EIR, pp. 6-2 to 6-16.) While an EIR generally is not required to address economic considerations in its analysis of a project, economic viability is “[a]mong the factors that may be taken into account when addressing the feasibility of alternatives.” (CEQA Guidelines, §15126.6(f)(1); see also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 575, fn. 7.)

In our comments on the NOP, we urged DWR to carefully consider costs in assessing possible alternatives to proposed Project:

Because Delta Smelt protection measures could result in reducing our supplies from the State Water Project (SWP) until a long-term Bay/Delta solution is in place, any financial investment in SWP facilities going forward must be

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carefully evaluated. Not only do these measures affect the water supply reliability of the SWP but they also call into question both the need for and priority of any future investments in infrastructure until water supply assurances are in place. Moreover this reduced water supply reliability, coupled with investments in infrastructure, will significantly increase our costs. These unprecedented cost increases on the SWP have strained the ability of our agencies to pay for dam remediation at Lake Perris. Accordingly, DWR needs to take these factors into account in identifying, analyzing and selecting a preferred alternative.

(Joint Letter from MWD, CVWD and DWA to DWR re: NOP, dated September 28, 2007.)
The decision to assess the economic feasibility of one minor component the proposed Project, but not other more important components, is inexplicable and seems arbitrary at best.

Beyond this, MWD, CVWD and DWA believe the process used to screen and evaluate alternatives resulted in an inadequate range of viable alternatives being considered in the Draft EIR. Similarly, given the primacy of Lake Perris' use for water supply and storage, an alternative cannot and should not be discounted or dismissed simply because it would not provide the same type or level of recreational and environmental benefits as the proposed Project. But this is exactly what the Draft EIR has done in identifying the proposed Project as the preferred alternative.

The Draft EIR states that the Reduced Capacity Alternative "would meet each of the project objectives except the objective to maintain the maximum amount of pre-drawdown riparian habitat at Lake Perris SRA and the objectives of restoring the lake to its pre-drawdown condition." (Draft EIR, p. 6-7.) Likewise, the Draft EIR states that Dam Decommissioning Alternative "would only meet the objectives that pertain to minimizing seismic hazards, restoring public safety, meeting seismic standards, and maintaining SWP delivery commitments." (Draft EIR, p. 6-10.) Thus, both the Reduced Capacity Alternative and the Dam Decommissioning Alternative potentially would meet our agencies' water supply and storage needs.

Nonetheless, these alternatives are characterized as being environmentally inferior to the proposed Project:

However, the Recreation Alternative and the Dam Decommissioning Alternative, along with the Reduced Dam Capacity Alternative would each result in significant impacts to biological resources since the riparian areas would be eliminated or significantly reduced in size. These three alternatives also would significantly impact recreational uses of the lake due to reductions

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in lake surface area. For these reasons, the proposed project is the environmentally superior dam remediation alternative.

(Draft EIR, p. 6-18.) Presumably, this is why these two alternatives were not subjected to detailed analysis in Draft EIR.

In our view, this clearly demonstrates the flaws that exist in the stated objectives for the proposed Project. These objectives – particularly the objective of restoring the reservoir to its pre-drawdown condition – do not recognize or account for the relative importance of the various purposes for which Lake Perris is used. As a result, the selection of the proposed Project as the preferred alternative is essentially a fait accompli.

The failure to give serious consideration to these and other alternatives also demonstrates that the proposed Project is being driven by considerations that have little to do with the water supply and storage needs of MWD, CVWD and DWA. Contrary to what Draft EIR states, the use of Lake Perris for recreation, fish and wildlife enhancement and other purposes are being treated as superior, rather than subordinate, to the needs of our agencies.

Finally, as already discussed, the Draft EIR failed to account for the ecosystem problems in the Bay-Delta and their adverse effect on the supply and delivery of SWP water. This not only undermines the delineation and analysis of the proposed Project's objectives, environmental baseline and potential impacts, but also makes it impossible to do a legitimate comparison of possible alternatives.

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**ADDITIONAL COMMENTS BY MWD
ON DRAFT EIR FOR PERRIS DAM REMEDIATION PROGRAM**

These additional comments address issues and concerns that are largely unique to MWD. A number of these comments relate to the proposed Project's potential impacts on our facilities and operations, including those at Lake Perris. For purposes of these comments, MWD has *assumed* that the proposed Project will remain unchanged. However, for the reasons set forth above, MWD does *not* support the proposed Project in its current form and believes that a more detailed analysis of possible alternatives should be conducted by DWR. If, in fact, the proposed Project is changed or an alternative is pursued, then some or all of the following comments may not be applicable.

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General Comments:

1. MWD has a flexible storage account in Lake Perris of up to 65 thousand acre-feet that is available for Metropolitan's use in any year, subject to repayment within 5 years of its use. This water storage is part of MWD's resource portfolio. The proposed Project should not interrupt or impede water supply operations or impede access to this water. The Final EIR needs to address this issue.

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2. MWD utilizes withdrawals from storage in Lake Perris to supply water when the Perris Hydroelectric Plant (HEP) is out of service or experiences an unexpected shutdown. Operation of the Perris HEP and maintenance of deliveries to our member agencies require that Lake Perris storage be available for use throughout the entire period of the proposed Project. The Final EIR needs to address this issue.

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Section 2.2.3, Page 2-7, Need for Project:

The Draft EIR states that the existing emergency outlet structure was designed and constructed to release up to 3800 cubic feet per second (cfs) of water downstream of the dam and that releases occurring at this rate would result in an inundation area of 2700 acres. Thus, water released from the dam in an emergency could flood downstream residents, because there is no conveyance structure to contain or direct the emergency flows. The proposed emergency outlet extension would release 1500 cfs which, according to the Draft EIR, is the minimum emergency drawdown capacity allowed by the California Division of Safety of Dams.

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It is not clear from the Draft EIR whether DWR is legally required to provide a constructed channel for releasing water in the event of a dam emergency. If not, why is construction of such a facility being proposed at Lake Perris.

Section 2.5, Figure 2-3, Project Description:

Figure 2-3 in the Draft EIR shows the location of the proposed Project's various components. MWD has several facilities in the project vicinity, including the Perris Bypass Pipeline, Colorado River Aqueduct, and Perris Power Plant/Perris Pressure Control Structure, as well as fee property. The Final EIR should identify our facilities and fee property and indicate whether there would be any impact from the proposed Project.

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Section 2.5.2, Pages 2-11 to 2-15, Perris Dam Remediation:

1. The Draft EIR states that the Perris dam would be seismically upgraded by improving the foundation material using cement-deep-soil-mixing (CDSM) methods. However, the Draft EIR does not discuss or address how reservoir storage levels will be affected during this dam remediation phase of the proposed Project. These storage levels could impact MWD's water supply and operations planning. The Final EIR needs to address this issue.

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2. The Draft EIR states that the proposed dam remediation would include toe drains to relieve seepage from shallow foundation materials downstream of the dam. At the same time, the Draft EIR states that DWR is considering a permanent cutoff of such seepage by means of a "permanent CDSM wall to facilitate the excavation and replacement of the uppermost liquefiable soils." Has the DWR considered the potential effects of such a permanent cutoff wall on the stability and seepage conditions in the embankment and foundation? This should be discussed in the Final EIR.

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3. The Draft EIR states that water pumped from the wells during construction would be discharged into a solid pipe leading out to the flow meter and on toward MWD's delivery system (Colorado River Aqueduct to Lake Mathews). During the de-watering process, the discharged water may contain considerable solid content that, in turn, could cause sedimentation in Metropolitan's conveyance system. Consequently, the sedimentation might reduce the conveyance capacity and increase our operation and maintenance costs. In addition, the volume and duration of discharging seepage water into the conveyance system may interfere with MWD's normal water delivery. The Final EIR needs to address these concerns.

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4. Further information needs to be provided about what flows may be introduced into MWD's conveyance system, both from dewatering during construction and from seepage gravity drainage after construction. The conveyance path of these flows needs to be clearly identified and their effects analyzed. Likewise, the quantity and quality of these flows need to be understood. In addition, constituents present in any groundwater that may be encountered during construction dewatering operations need to be fully characterized.

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Lastly, all of his information must be provided to MWD for review and approval prior to any connections being made to our system.

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5. Further information needs be provided to clarify why pumping into MWD's system is necessary as part of the construction dewatering operations. Have any alternatives, such as pumping back into Lake Perris, been considered? If not, why not?

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Section 2.5.3, Page 2-15, Outlet Tower Replacement:

1. The Draft EIR states that a 600-foot long, 12.5-foot diameter tunnel would be constructed to connect the new outlet facility to the existing underground tunnel that connects to MWD's delivery system. However, the Draft EIR does not address the connection of the proposed outlet tunnel to the existing tunnel. This system connection has the potential of disrupting MWD's water supply operations for a prolonged timeframe. The Final EIR needs to address these concerns.

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2. The Draft EIR also states that the old outlet tower would remain in place and would not be deconstructed. The proposed outlet tower would be constructed 400 feet away from the existing old outlet tower. Blasting into hard rock would be required to construct the proposed outlet tower and a 300-foot long tunnel. This blasting has the potential to damage the existing outlet tower and associated conveyance system. What are the measures to prevent existing facilities from damage?

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Section 2.5.4, Page 2-19, Emergency Outlet Extension:

The Draft EIR states that two alternatives are proposed for the construction of the new Emergency Outlet Extension. The first alternative would be underground as either a box culvert or a pipeline from the existing outlet structure to Lake Perris Drive. The total affected width along the underground segment will be 110 feet. The second alternative would be an open trapezoidal channel for the entire length of the outlet extension. The total affected width along the channel would be 160 feet. A 20-foot wide service road would run parallel to the channel. The alignment crosses MWD's buried 10-foot diameter pipe just southwest of the existing outlet structure.

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1. The alignments of proposed Emergency Outlet Extension and the equipment and material staging area of the proposed Stability Berm either cross or are adjacent to many MWD's facilities (such as Perris Bypass Pipeline, Colorado River Aqueduct, Lakeview Pipeline, Perris Power Plant, Perris Pressure Control Structure, etc.). These facilities are critical to our delivery reliability and cannot be impacted by the dam remediation work. The Final EIR needs to address this concern.

2. Both alignments will run parallel with Metropolitan's 10-foot-inside-diameter Lake Perris Bypass Pipeline, which is located within a 60-foot-wide easement. The proposal will cross our pipeline from approximate Station 2076+00 to 2079+00. We require that both alignments be located outside of our easement. At the crossing, our requirements are as follows:

- For the proposed open lined channel, the concrete channel must be designed for H-20 loading to accommodate utility vehicle crossings. A minimum of 4 feet of vertical clearance from the top of our pipeline to the bottom of the channel is required. This clearance may be reduced provided that additional loads are not imposed on Metropolitan's pipeline.
- For the proposed box culvert or pipeline, a minimum of 1 foot of vertical clearance from the top of our pipeline to the bottom of the box culvert or pipeline is required. Please note that our pipeline is designed for a maximum 10 feet of cover. We would require a protective slab or similar protection if the proposed system exceeds this limit.
- During construction, the scrapers are not allowed to operate over our pipeline; they can only cross our pipeline.

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3. Since the large excavation for the open trench along our pipeline may have an adverse affect on our pipeline, a geotechnical analysis addressing the induced instability and induced deformation (settlement, rebound and lateral displacement) of our pipeline will be required. Section 2.6.3, Sheet 2-27. Detailed plans of the drainage conveyance facilities must be submitted to MWD for review and approval.

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GG

4. All measures taken to protect any structural, operational, or water quality impacts to MWD's pipeline will need to be identified and provided to us for review and approval. The Final EIR should confirm if there are any other impacts to our fee property at Rider Street or other facilities in the area. The Final EIR should also indicate that DWR will coordinate with MWD to ensure that construction and operational activities from the proposed project do not impact our fee property, easements, or facilities.

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HH

Section 2.5.5, Page 2-20, Lake Perris Refilling:

The Draft EIR states that Perris Lake will be refilled once construction of each project component (Perris Dam Remediation, Outlet Tower Replacement, and Emergency Outlet Extension) is complete. However, discussions of refilling were not readily identified in the impact analysis sections throughout the Draft EIR. MWD's comment letter on the NOP, dated July 2, 2007, specifically requested that discussion of potential impacts to other facilities and SWP contractors during refill of the reservoir be included in the Final EIR.

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II

Section 2.6.1, Pages 2-20 and 2-21, Construction Schedule:

1. Table 2-1 of the Draft EIR summarizes the proposed construction activities for each project component and provides estimated durations for those activities. According to Table 2-1, the duration of construction would be as follows: dam remediation, 22 months; outlet tower, 18 months; emergency outlet extension, 22 months. Table 2-2, in turn, highlights a proposed construction sequence and the equipment required for each component. However, these tables do not specify whether and to what extent these construction activities will adversely affect MWD's water deliveries. If the proposed Project is implemented sequentially, the construction duration could be as long as 62 months. The Final EIR needs to address this concern.

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JJ

2. The Draft EIR states that construction of the proposed Project will require the transportation of heavy equipment from Ramona Expressway to the construction sites. However, this heavy equipment also will need to cross over our Lake Perris Bypass Pipeline. Our pipeline is adequate for AASHTO H-20 loading with the existing cover. Therefore, MWD requires that the specifications of any equipment imposing loads greater than AASHTO H-20 loading that cross over our pipeline be submitted for our review and approval. Please note that additional protective measures may be required to accommodate this equipment crossing.

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KK**Section 2.6.3, Pages 2-22 to 2-27, Construction Activities:**

1. The Draft EIR provides a description of the construction activities required for each component of the proposed Project, but does not discuss their potential impact on water quality within Lake Perris. For example, Page 2-24 of the Draft EIR indicates that the haul road will be constructed within the lakebed and will be submerged under future operating lake levels. The submergence of construction debris or contaminants associated with construction activities may be of concern. Likewise, page 2-25 discusses excavation of borrow material from the northeast portion of the lake. This area is exposed under current lake conditions, but will be submerged in the future. These localized bottom depressions or "potholes" created at the borrow site could lead to anaerobic conditions in those areas of the lake.

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LL

The potential impact on the reservoir's water quality must be examined. Among other things, the Final EIR should describe the final morphology and geologic substrate of Lake Perris following construction of the proposed Project. In addition, the Final EIR should analyze the potential impacts to water quality resulting from a change in the current

morphology or geology of the lake. Above all, the Final EIR must include mitigation measures that fully address any water quality impacts arising from construction of the proposed Project and/or operation of the reservoir at levels above the previously-exposed construction areas.

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LL

2. Page 2-25 of the Draft EIR states that a shared 21-acre staging area located downstream of the dam, near the left abutment, would serve to stockpile materials during the construction of the emergency outlet extension and the dam remediation. A staging area located east of the proposed outlet tower would cover approximately four acres and a temporary stockpile area would cover approximately six acres. Stockpiles would be about 10 feet high and would incorporate storm water erosion control features. However, the stockpiling of material and storing construction equipment are prohibited within Metropolitan's easement. The staging area and stockpiling must be located outside of our easement.

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MM

3. Page 2-25 also states that approximately 700,000 cubic yards of soil would be removed from the berm foundation excavation at the toe of the dam. Is it possible to accomplish this safely with the reservoir in service? If the reservoir is in service, how is the safety of the downstream population affected while this excavation is accomplished? Would the safety be improved by emptying the reservoir during this period? Would the construction costs be reduced if the reservoir were emptied? If the construction costs would be reduced by emptying the reservoir, then what is the justification for spending the additional costs associated with keeping the reservoir in service?

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NN

4. Page 2-26 of the Draft EIR states that blasting (hard rock excavation) would be required at the lakeshore in order to construct the new outlet tower and tunnel. Because blasting could adversely affect our facilities, plans for this work must be submitted to MWD for review and comment. Please note that blasting restrictions, including vibration limitations, will be imposed for any work adjacent to our facilities.

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OO

5. The Draft EIR does not include provisions to ensure the MWD will be able to access, operate and maintain our Lake Perris Bypass Pipeline, Lakeview Pipeline, and above-ground facilities during construction activities on the proposed Project. This concern needs to be addressed in the Final EIR.

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PP

Section 2.7, Page 2-28, Table 2-7, Discretionary Permits:

The Draft EIR states that discretionary permits are potentially required from the U.S. Army Corps of Engineers, the California Department of Fish and Game, the Regional Water Quality Control Board, Riverside County, Riverside County Flood Control and Water

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QQ

Conservation District, and the City of Perris. Metropolitan should be included in this list, since part of the proposed work involves crossing our pipeline and right of way easements, and involves connecting to our conveyance system for groundwater dewatering and dam seepage.

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QQ

Section 3.7.2, Page 3.7-7, Hydrology and Water Quality/Regulatory Framework:

The Draft EIR states that the National Pollutant Discharge Elimination System (“NPDES”) storm water permitting requirements for construction activities require the landowner and/or contractor to develop and implement a Stormwater Pollution Prevention Plan (“SWPPP”) and that the SWPPP must specify best management practices (“BMPs”) that would prevent construction pollutants from running offsite into receiving waters. However, the SWPPP also must include BMPs to protect the lake itself from any effects of the construction related activities.

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RR

Section 3.7.3, Pages 3.7-7 to 3.7-10, Hydrology and Water Quality/Impacts:

1. Section 3.7.3 of the Draft EIR describes the hydrologic and water quality impacts to downstream surface waters and groundwater. Under “Water Quality,” the Draft EIR states that sedimentation from construction would degrade the water quality of the receiving waters. Also, hazardous materials associated with construction equipment such as fuels, oils, antifreeze, coolants, and other substances would adversely affect water quality, if inadvertently released to surface waters. However, the Draft EIR does not address potential adverse impacts to water quality within Lake Perris itself. If there any short-term or long-term effects that may result from the proposed Project, they must be fully analyzed in Final EIR. Likewise, feasible mitigation measures must any analyzed and include the Final EIR.

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SS

2. The Draft EIR further states under “Hydrology” that reducing the water level elevation would decrease groundwater levels downstream and could adversely affect water suppliers in the area. However, existing seepage is collected, metered and delivered to MWD as SWP supply. Less seepage would simply mean that MWD would take more water directly from the lake or the bypass pipeline.

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TT



RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

April 12, 2010

Emailed this date to: TBarnes@esassoc.com

Department of Water Resources
c/o Tom Barnes, ESA
707 Wilshire Boulevard, Suite 1450
Los Angeles, CA 90017

Ladies and Gentlemen:

Re: Notice of Availability of a Draft
Environmental Impact Report for the
Perris Dam Remediation Program

This letter is written in response to the California Environmental Quality Act (CEQA) Notice of Availability of a Draft Environmental Impact Report (DEIR) for the Department of Water Resources' proposed Perris Dam Remediation Program (project). The proposed project involves the replacement of the outlet tower and construction of an emergency outlet which will connect to the Perris Valley Channel. The proposed project is located within the city of Perris and the unincorporated Lake Perris area of Riverside County.

As noted in the DEIR, the District would need to authorize the construction of any improvements within the District's existing Perris Valley Channel right-of-way. Therefore, the District will likely be a CEQA responsible agency and any potential impacts to District's existing facilities need to be fully evaluated in the final EIR.

The District has reviewed the DEIR and has the following comments:

1. A portion of the proposed project is located within the District's Master Drainage Plan (MDP) for the Perris Valley area. When fully implemented, MDP facilities will provide flood protection to relieve those areas within the plan boundaries of the most serious flooding problems and will provide adequate drainage outlets. The EIR should evaluate and address any potential impacts to the MDP facilities. The District's MDP facility maps can be viewed online at <http://rcflood.org/content/MDPADP.htm>. To obtain further information on the MDP and proposed facilities, please contact Edwin Quinonez of the District's Planning Section at 951.955.1210.
2. The proposed project appears to be in conflict with the proposed Perris Valley Line U MDP facility. The Department of Water Resources (DWR) should coordinate early with the District on the design of the emergency outlet release facility to explore possible alternatives of incorporating the MDP facility named above into the proposed project. If a combined flood control/emergency outlet release facility is to be constructed, the District will consider the acceptance of ownership of such facility upon written request from the DWR. Please be advised that, should the District be considered as the owner of such facility, the facility must be constructed to District standards and any related fees (i.e.,

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plan check, inspection and administrative) will be required for District's acceptance of the facility. Any regulatory permitting requirements such as 404/401/1602 permits pertaining to the construction and subsequent operation and maintenance of the facility that may be maintained by the District, should be reviewed and approved by the District prior to their execution. In addition, an agreement between the District and the project proponent(s) (e.g., DWR, other maintenance partners) to establish the terms and conditions (e.g., inspection, operation and maintenance, future access, etc.) for the proposed facility will be required.

11B

3. Please be advised that the District's existing earthen Perris Valley Channel is an interim facility and does not have the capacity to convey the FEMA estimated 100-year peak flow of 11,300 CFS. The capacity of the interim Perris Valley Channel to safely convey the 1,500 CFS released from the dam should be evaluated. A probability analysis of peak flows and the simultaneous release from the Perris Dam should be completed. In all cases, the potential of inundation of the surrounding areas exists and this limit should be identified for various storm events. The potential physical impacts to the existing earthen channel associated with any changes in flow rates and velocities, and diversions or concentrations of flows should be evaluated in a detailed hydrologic/hydraulic analysis. The hydraulic analysis should also demonstrate the effects of the 1,500 CFS release on the Perris Valley Channel design water surface elevation. The results of this analysis should be evaluated and addressed in the final EIR.

11C

4. Page S-3 of the DEIR states "A reinforced concrete box culvert or pipeline would also be used to pass flow into the Perris Valley Channel. Riprap would be placed on the upstream and downstream slopes of the Perris Valley Channel to reduce localized scour." The final EIR should fully address impacts associated with the construction and subsequent operation and maintenance of the proposed connection and channel improvements to the Perris Valley Channel. Please note that the District's access along the Perris Valley Channel will need to be preserved.

11D

5. The District is a permittee under the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). For purposes of procuring an encroachment permit or other District approval, the project proponent will need to demonstrate that all project related activities within the District right-of-way/easement is consistent with the MSHCP. To accomplish this, the CEQA document should include a MSHCP consistency report with all of its supporting documents and provide mitigation, as needed, in accordance with all applicable MSHCP requirements. Please be advised that the proposed project may affect MSHCP public/quasi public lands associated with the Perris Valley Channel right-of-way. The MSHCP consistency report should address, at a minimum, Sections 3.2, 3.2.1, 6.1.2, 6.1.3, 6.1.4, 6.3.2, 7.5.3 and Appendix C of the MSHCP.

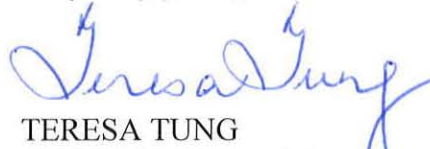
11E

6. The proposed project may impact federal and state jurisdictional features (e.g. waters of the United States, waters of the State, streambeds, wetlands, etc.) within the existing Perris Valley Channel. The final EIR should address potential impacts to federal and state jurisdictional features. Please be advised that all regulatory permits required for the construction and subsequent operation and maintenance of the portion of the proposed project within District rights-of-way should be coordinated with the District.

11F

Thank you for the opportunity to review the DEIR. Please forward any subsequent environmental documents regarding the project to my attention at this office. Any further questions concerning this letter may be referred to Jason Swenson at 951.955.8082 or me at 951.955.1233.

Very truly yours,



TERESA TUNG
Engineering Project Manager

cc: Riverside County Planning
Attn: Kathleen Browne
Ed Lotz
Edwin Quinonez

JDS:mcv
P8\130720



Board of Directors

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Treasurer**

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Board Secretary

Rosemarie V. Howell

General Manager

Anthony J. Pack

**Director of the
Metropolitan Water
District of So. Calif.**
Randy A. Record

Legal Counsel

Redwine and Sherrill

Via email and USPS

April 12, 2010

Tom Barnes
ESA
707 Wilshire Blvd., Ste. 1450
Los Angeles, CA 90017

RE: DWR – Perris Dam Remediation Program
Draft Environmental Impact Report

Dear Mr. Barnes:

Eastern Municipal Water District (EMWD) has reviewed the Draft Environmental Impact Report for the Perris Dam Remediation Program. The California Department of Water Resources proposes to implement the project to remediate Perris Dam, replace the outlet tower, and construct an outlet conveyance to connect with the Perris Valley Storm Drain. The project is being proposed to address seismic safety concerns and to bring the facilities up to current safety standards.

Eastern Municipal Water District has no comments/concerns at this time.

Thank you for the opportunity to review the Draft Environmental Impact Report. Please forward any subsequent environmental documents regarding the project to Karen Hackett at the mailing address below. If you have questions regarding this response, please contact Karen Hackett via email at hackettk@emwd.org or by phone at 951 928-3777 ext 4462 or myself at ext. 4455.

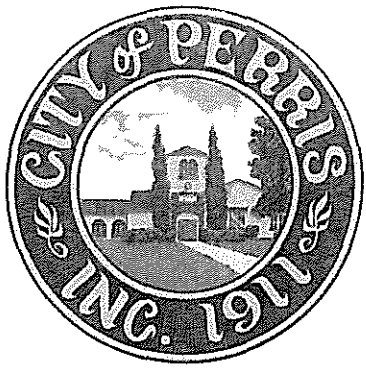
Sincerely,

Joseph B. Lewis
Director of Engineering Services

JBL:kah

cc: J Daverin

I
12A



CITY OF PERRIS

Office of the City Manager

101 NORTH "D" STREET
PERRIS, CALIFORNIA 92570
TEL: (951) 943-6100

April 14, 2010

Tom Barnes, ESA, on behalf of
the California Department of Water Resources
Perris Dam Remediation Program
707 Wilshire Boulevard, Ste. 1450
Los Angeles, CA 90017

LAKE PERRIS DAM – DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Mr. Barnes:

The City of Perris previously submitted a comment letter on the Draft Environmental Impact Report for the Lake Perris Dam Remediation Program on February 10. Following that letter the Department held a public Town Hall meeting at the City on March 24. At that meeting, our understanding was that the EIR comment period was extended to April 14 and that the Department invited the City to submit further comments on the EIR and alternative designs for the outlet channel. The following comments are in addition to and supplement the City's prior comments.

1. A system to convey the 1500 CFS emergency discharge from the dam along the north side of Ramona Expressway would require an open rectangular concrete channel with a 20' bottom width, 8' deep, and two maintenance roads within a right-of-way of 60'. This channel could also serve a dual purpose and convey the anticipated drainage runoff of 1000 CFS in the master drainage plan Line "U". The cost of the rectangular channel is estimated at \$12 Million in addition to right-of-way. If joint use discharge facilities are built for both the dam emergency outlet and Riverside County Flood Control protection, Riverside County Flood Control could participate or accept the responsibility for the maintenance thereby reducing the costs to the DWR. Joint use facilities could also reduce the right-of-way required along Ramona Expressway. 13A
2. In the event a soft bottom unlined open channel is preferred over the concrete channel, we estimate a 180' right-of-way would be required. The cost of this channel is estimated at \$9 Million in addition to right-of-way. 13B
3. Another alternative that should be evaluated is the potential of creating a "linear lake" with the oversized open channel from the outlet works of the dam to the motocross park, 13C

and then discharge to the Perris Valley Storm Drain via the rectangular concrete open channel as described above. This alternative would reduce the costs of drainage improvements upstream of the motocross park and at the same time limit the disruption to the motocross park, fairgrounds and future commercial areas. The cost of this alternative is estimated at \$11 Million in addition to right-of-way.

13C

4. Another alternative that should be evaluated is utilizing the existing MWD right-of-way northerly of Rider Street as an alternate alignment for the outlet channel.

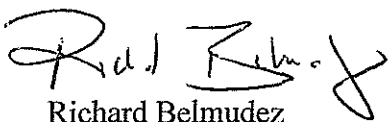
13D

5. Our understanding is that the DWR is proposing to install barrier walls 25' below ground to protect the dam. As you may know, the City owns and operates the North Perris Water System (formerly the McCanna Ranch Water Company) and is providing water to thousands of residents immediately south of Ramona Expressway. The source of water is a subterranean stream which generally flows from the direction of the dam and which is under the jurisdiction of the State Water Resources Control Board ("SWRCB"). The City has a permit from the SWRCB to appropriate water from the subterranean stream, and has an application on file to appropriate additional water. The City is concerned that the barrier walls may adversely affect the availability of water from the subterranean stream. At the March 24 "Town Hall" meeting the DWR represented that there would be no such adverse effects. This should be analyzed and documented in the EIR.

13E

Thank you again for this opportunity to comment further on the Draft Environmental Impact Report for the Lake Perris Dam Remediation Program. If you require any additional information, please contact Habib Motlagh, City Engineer at (951) 943-6504.

Sincerely,



Richard Belmudez
City of Perris, City Manager



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

E-mailed: May 21, 2010

May 21, 2010

Mr. Tom Barnes
TBarnes@esassoc.com
California Department of Water Resources
707 Wilshire Blvd., Suite 1450
Los Angeles, CA 90017

Review of the Draft Environmental Impact Report (Draft EIR) for the Perris Dam Remediation Program Project

The South Coast Air Quality Management District (AQMD) staff appreciates the opportunity to comment on the above-mentioned document including an extended review period. The following comment is intended to provide guidance to the lead agency and should be incorporated into the revised Draft or Final Environmental Impact Report (Draft or Final EIR) as appropriate.

The lead agency's air quality analysis demonstrates that criteria pollutants including Oxides of Nitrogen (NO_x) and Particulate Matter (PM₁₀) and PM_{2.5} emissions exceed the AQMD's daily significance thresholds during project construction. As a result, the lead agency determined that the proposed project would create significant and unavoidable air quality impacts. Therefore, AQMD staff is concerned about the project's regional impacts on air quality and requests that the lead agency further mitigate the project's NO_x, PM₁₀ and PM_{2.5} emissions based on recommendations in the attached comments.

14A

Pursuant to California Public Resources Code §21092.5, please provide the AQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Staff is available to work with the lead agency to address these issues and any other

questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Ian V. MacMillan".

Ian MacMillan

Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

RVC100204-05
Control Number

Air Quality Analysis and Mitigation Measures:Regional Construction Mitigation Measures

1. In Section 3.2.3 (Air Quality Impacts and Mitigation Measures) the lead agency evaluated regional air quality impacts from construction activities that will occur at the project site. As a result, the lead agency's regional construction air quality analysis demonstrates that criteria pollutants including NO_x, PM₁₀ and PM_{2.5} emissions exceed the AQMD's daily significance thresholds. Therefore, the AQMD recommends that the lead agency consider adding the following mitigation measures to further reduce NO_x and PM_{2.5} air quality impacts from the construction phase of the project, if feasible:

Construction Traffic (NO_x and PM_{2.5}):

- ❖ Provide temporary traffic controls such as a flag person, during all phases of construction to maintain smooth traffic flow,
- ❖ Provide dedicated turn lanes for movement of construction trucks and equipment on- and off-site,
- ❖ Improve traffic flow by signal synchronization, and
- ❖ Require construction parking to be configured such that traffic interference is minimized.

Construction Equipment (NO_x and PM_{2.5}):

- ❖ Consistent with mitigation measures required for other projects in the South Coast Air Basin (e.g., Port of Long Beach and Port of Los Angeles projects), require all on-site construction equipment to meet EPA Tier 2 or higher emissions standards according to the following:
 - ✓ April 1, 2010, to December 31, 2011: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 2 offroad emissions standards. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 2 or Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
 - ✓ January 1, 2012, to December 31, 2014: All offroad diesel-powered construction equipment greater than 50 hp shall meet Tier 3 offroad emissions standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

14B

- ✓ Post-January 1, 2015: All offroad diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

A copy of each unit's certified tier specification, BACT documentation, and CARB or AQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website:

www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html.

Also, the lead agency should consider encouraging construction contractors to apply for AQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for AQMD "SOON" funds. The "SOON" program provides up to \$60 million dollars to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website:

<http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>



14B



14C

FRIENDS OF THE NORTHERN SAN JACINTO VALLEY
P.O. Box 9097
Moreno Valley, CA 92552-9097

RECEIVED

APR 12 REC'D

ENVIRONMENTAL SCIENCE ASSOC.
LOS ANGELES

April 10, 2010

Mr. Tom Barnes – ESA
RE: DWR – Perris Dam Remediation Program
707 Wilshire Blvd., Ste. 1450
Los Angeles, CA 90017

TBarnes@esassoc.com
(213) 599-4300
FAX: (213) 599-4301

RE: Perris Dam Remediation Program; Draft Environmental Impact Report; SCH No.
2007061004

Dear Mr. Barnes:

The Friends of the Northern San Jacinto Valley (FNSJV) provided comments in response to the Notice of Preparation (NOP) of the Subject Draft EIR in our letter of July 2, 2007. The Friends issues/impacts of concern have largely been ignored or given short shrift in the draft CEQA document. Consequently, the Draft EIR for the Perris Dam Remediation Program fails as a CEQA information document. It does not provide the necessary information and analysis for the public, lead, responsible, and trustee agencies to make informed well reasoned decisions on this project. The FNSJV are requesting consideration of this project be deferred pending preparation of a legally adequate CEQA document.

15A

Memorandum of Agreement Regarding Mitigation of State Water Project (SWP) Wildlife Losses in Southern California – October 23, 1979.

We have attached a copy of the above 1979 Mitigation Agreement entered into by the Department of Water Resources (DWR), Department of Fish and Game (DFG) and the Metropolitan Water District (MWD) in order it may be included in the administrative record for this CEQA review. The Draft EIR did not examine the extent this project, prior activities, and ongoing DWR operations impinge (direct and indirect impact) on designated wildlife mitigation lands in front of the Lake Perris Dam and the proposed rock quarry/project haul road site in the Bernasconi Hills. This analysis needs to specifically address the need for wildlife mitigation replacement lands consistent with the Legislative intent of the **Davis-Dolwig Act**. This 1961 law declared it is the intent of the Legislature that State Water Project (SWP) facilities be build “in a manner consistent with the full utilization of their potential for the enhancement of fish and

15B

wildlife and to meet recreational needs.” The consideration of the need for replacement wildlife mitigation lands therefore needs to recognize this project will destroy existing aquatic resource values, substantial riparian habitats, harm several endangered species, and curtail wildlife related recreation.

15B

**California Endangered Species Act Management Authorization For Implementation of Stephens’ Kangaroo Rat Habitat Conservation Plan in Western Riverside County
Riverside County Habitat Conservation Agency (Tracking No. 2081-1996-17-5).**

We have attached a copy of the above California Department of Fish and Game (DFG) **Management Authorization** (May 6, 1996) in order that it be included in the administrative record. We are also incorporating by this reference the *Final Joint Environmental Impact Statement and Environmental Impact Report regarding Authorization for Incidental Take and Implementation of a Long-term Habitat Conservation Plan for the Stephens’ Kangaroo Rat in western Riverside County, California – February 1996* and request this document in its entirety be included in the CEQA administrative record for this project.

The state **Management Authorization** implementing the Stephens’ Kangaroo Rat Habitat Conservation Plan (SKRHCP) was issued to the Riverside County Habitat Conservation Agency (RCHCA) pursuant to the California Endangered Species Act (Fish and Game Code: 2080-2085) and the Natural Community Conservation Planning Act (NCCP Act/Fish and Game Code : 2800-2835). The state NCCP Act does not exempt a project in a Natural Community Conservation Planning area from the California Environmental Quality Act (CEQA) or alters or affects the applicability of CEQA (Fish and Game Code: 2826). In addition, the California Endangered Species Act (CESA) specifies incidental take of endangered species **shall be minimized and fully mitigated** and the **mitigation** required for the incidental take **shall** be roughly proportional in extent to the authorized take.

The subject Draft EIR fails to properly qualify and quantify the incidental take this project will precipitate on the endangered SKR. Nor does the CEQA analysis examine measures/alternatives to **minimize and fully mitigate** incidental take. The Draft EIR does not include a cumulative analysis of SKR take. A cumulative incidental take analysis is particularly important because the DFG **Management Authorization** allows the incidental take of one half of the extant SKR populations (15,000 occupied acres) at the time the incidental take permit was issued to the RCHCA. The Draft EIR also improperly defers the review of the SKR incidental take to the RCHCA (Mitigation Measure 3.3-11) when this duty should more properly be performed by the Department of Fish and Game the state trustee agency for wildlife resources (Fish and Game Code: 1802).

**Metropolitan Water District – Notice of Preparation (NOP) Letter of July 2, 2007
Requesting Project Alternative: Reservoir Decommissioning**

We understand the Metropolitan Water District (MWD) is currently disputing whether the state or water contractors should fund the cost of Perris Dam Remediation. MWD requested a Dam Decommissioning Alternative be considered in the subject CEQA analysis. Should the MWD Dam Decommissioning Alternative ultimately be selected for implementation the subject CEQA

15E

review cannot be relied upon to support that project decision. Decommissioning of the Lake Perris Reservoir/State Recreation Area is a distinct CEQA project requiring its own Environmental Impact Report.

↑ 15E

We appreciate the opportunity to comment on the Perris Dam Remediation Program and look forward to reviewing the Final EIR.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Paulek". The signature is fluid and cursive, with the first name "Tom" and last name "Paulek" clearly distinguishable.

Tom Paulek, Conservation Chair
Friends of the Northern San Jacinto Valley

DEPARTMENT OF WATER RESOURCES

P. O. BOX 388

SACRAMENTO

95802

(916) 445-9248



OCT 31 1979

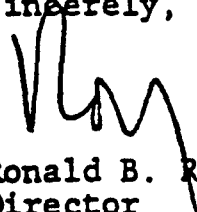
Mr. Evan L. Griffith
General Manager
The Metropolitan Water District
of Southern California
P. O. Box 54153
Los Angeles, CA 90054

Dear Griff:

Enclosed is the executed "Memorandum of Agreement Regarding Mitigation of State Water Project Wildlife Losses in Southern California".

We can now proceed with implementation of the provisions of the Agreement with the responsible parties.

Sincerely,


Ronald B. Robie
Director

Enclosure

cc: Mr. E. C. Fullerton, Director
Department of Fish and Game
1416 Ninth Street
Sacramento, CA 95814

ORIGINAL LETTER
RETURN TO GENERAL FILES

REFERRED TO

DATE

J. E. ...
C. ...
11-5-79

Sent by
File by

Lot #



MEMORANDUM OF AGREEMENT REGARDING MITIGATION
OF STATE WATER PROJECT WILDLIFE LOSSES IN
SOUTHERN CALIFORNIA

This Memorandum of Agreement (hereinafter referred to as "MOA") is entered into this 23rd day of October, 1979, by and between the State of California, acting by and through its Department of Water Resources (hereinafter referred to as "DWR"), the State of California, acting by and through its Department of Fish and Game (hereinafter referred to as "DFG"), and The Metropolitan Water District of Southern California (hereinafter referred to as "Metropolitan").

Recitals

1. In accordance with the requirements of the Davis-Dolwig Act obliging DWR to preserve wildlife impacted by the construction of the State Water Project (hereinafter referred to as "SWP"), DWR, DFG, and Metropolitan have explored mitigation measures that will satisfy the preservation obligations arising out of construction of the SWP facilities on lands formerly under private ownership in Southern California. As used in this MOA "Southern California" refers to that portion of California served by the SWP southerly of the A. D. Edmonston Pumping Plant.

2. This MOA outlines the provisions to be included in definitive agreements covering the various parcels of land, sums of money, and operating agreements to carry out the preservation obligations referred to in paragraph 1.

3. The parties agree that the responsibilities for "full and close coordination of * * * planning for the preservation and enhancement of * * * wildlife" with respect to federal agencies has been previously accomplished.

Substantive Provisions

4. DWR, DFG, and Metropolitan agree to exercise their best efforts to execute definitive agreements on substantially the terms outlined in this MOA.

5. The definitive agreements shall have a term expiring on the date of expiration of the contract between DWR and Metropolitan for a water supply dated November 4, 1960.

6. The following acreage of SWP lands in Southern California shall be designated and made available for wildlife mitigation purposes. Uses of these lands for other purposes will not be allowed if such use impinges upon the maintenance

of wildlife populations, except as needed for SWP operations. If DWR requires any of these lands for SWP operations, DWR will replace such lands taken with other lands acceptable to DFG.

a. Lake Perris	800 acres
b. San Jacinto borrow site	650 acres
c. Bifurcation	50 acres
d. Peace Valley and other west branch	1,533.5 acres
TOTAL	<u>3,033.5 acres</u>

Such lands shall be located approximately as shown on the maps attached hereto as Exhibit 1.

Use of any portion of the above lands included in Federal Energy Regulatory Commission (FERC) License No. 2426 for wildlife mitigation purposes will be subject to the approval of FERC.

7. Metropolitan will dedicate at Lake Mathews for wildlife mitigation purposes approximately 2,565 acres. Uses of these lands for other purposes will not be allowed if such use impinges upon the maintenance of wildlife populations, except as needed for Metropolitan's operations. If Metropolitan requires any of these lands for its operations, Metropolitan, in cooperation with DWR, will replace such lands taken with other lands acceptable to DFG. Such lands shall be located approximately as shown on the map attached hereto as Exhibit 2.

DFG will prepare a plan conceptually describing the kinds and types of habitat development it anticipates carrying out on the Lake Mathews mitigation lands. These habitat development plans, if implemented, will be financed by DFG and implemented by Metropolitan. Any habitat development must be consistent with water quality standards and the operational functions of Lake Mathews as a water supply reservoir.

8. Metropolitan will carry out the operation and maintenance functions on the habitat developments undertaken by DFG on the 2,565 acres at Lake Mathews. The maximum operations and maintenance expenditure on the lands of Lake Mathews through the term of the definitive agreements, to be reimbursed by DWR, shall not exceed \$500,000. After this amount has been expended, operations and maintenance costs will be reimbursed by DFG. Personnel of Metropolitan and DFG shall meet prior to each new year to develop an annual maintenance schedule. At the end of each year, Metropolitan will prepare an annual report on its operations and maintenance activities and related expenditures.

9. DWR will provide flows in Peace Valley Creek below Quail Lake in sufficient quantities to create and maintain a riparian corridor from the closest point to the California Aqueduct outlet at Quail Lake, to a point on Gorman Creek where proposed fish enhancement is to be made (approximately two miles in length).

10. The financial obligation of DWR to DFG shall be limited to the following:

a. An interest-bearing account with a one-time cash settlement of \$5.5 million, to be provided by DWR, will be established to be used exclusively by DFG for wildlife mitigation purposes. DFG shall utilize these funds for the acquisition and improvement, of lands for wildlife mitigation purposes in the San Jacinto area, or for improving and maintaining wildlife habitat on the lands acquired or designated herein for wildlife purposes.

b. DWR also agrees to provide DFG \$1.5 million in SWP funds to be reimbursed through the project-purpose allocation to recreation, fish and wildlife enhancement. These funds will be deposited in the interest-bearing account established pursuant to subparagraph a.

c. DWR will assign to DFG \$0.5 million of its share of allocations from the Land and Water Conservation Fund.

d. DWR and DFG will cooperate in seeking an appropriation by the Legislature of \$0.5 million from the funds allocated to DWR under the State, Urban, and Coastal Park Bond Act of 1976.

11. DFG shall be lead agency in complying with the provisions of the California Environmental Quality Act in implementing any wildlife mitigation features.

12. None of the parties shall be committed to take steps which require CEQA compliance until an opportunity has been provided them to consider and take such action as they, in their discretion, deem desirable based on any relevant CEQA documentation.

13. The definitive agreements shall be submitted by the parties to those agreements to all other interested non-federal agencies in such manner as to assure compliance with Section 11910 of the Water Code.

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

By *Arnold B. Phil*
Director

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME

By *COPY ORIGINAL SIGNED BY*
E. C. FULLERTON
Director

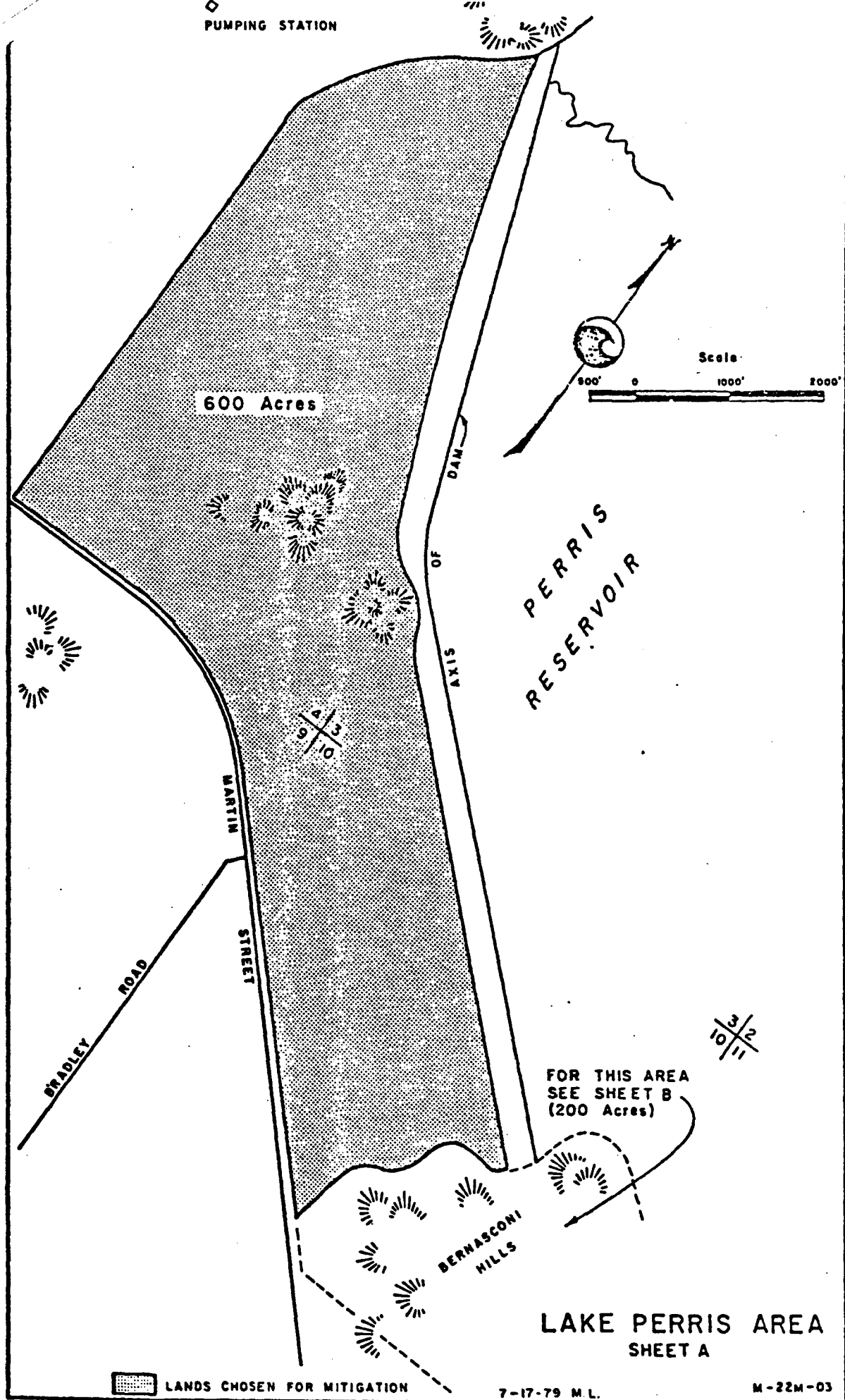
Approved as to legal form
and sufficiency:

P. A. Turner
Chief Counsel, Department
of Water Resources

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

By *Daniel R. [Signature]*
General Manager

PUMPING STATION



LANDS CHOSEN FOR MITIGATION

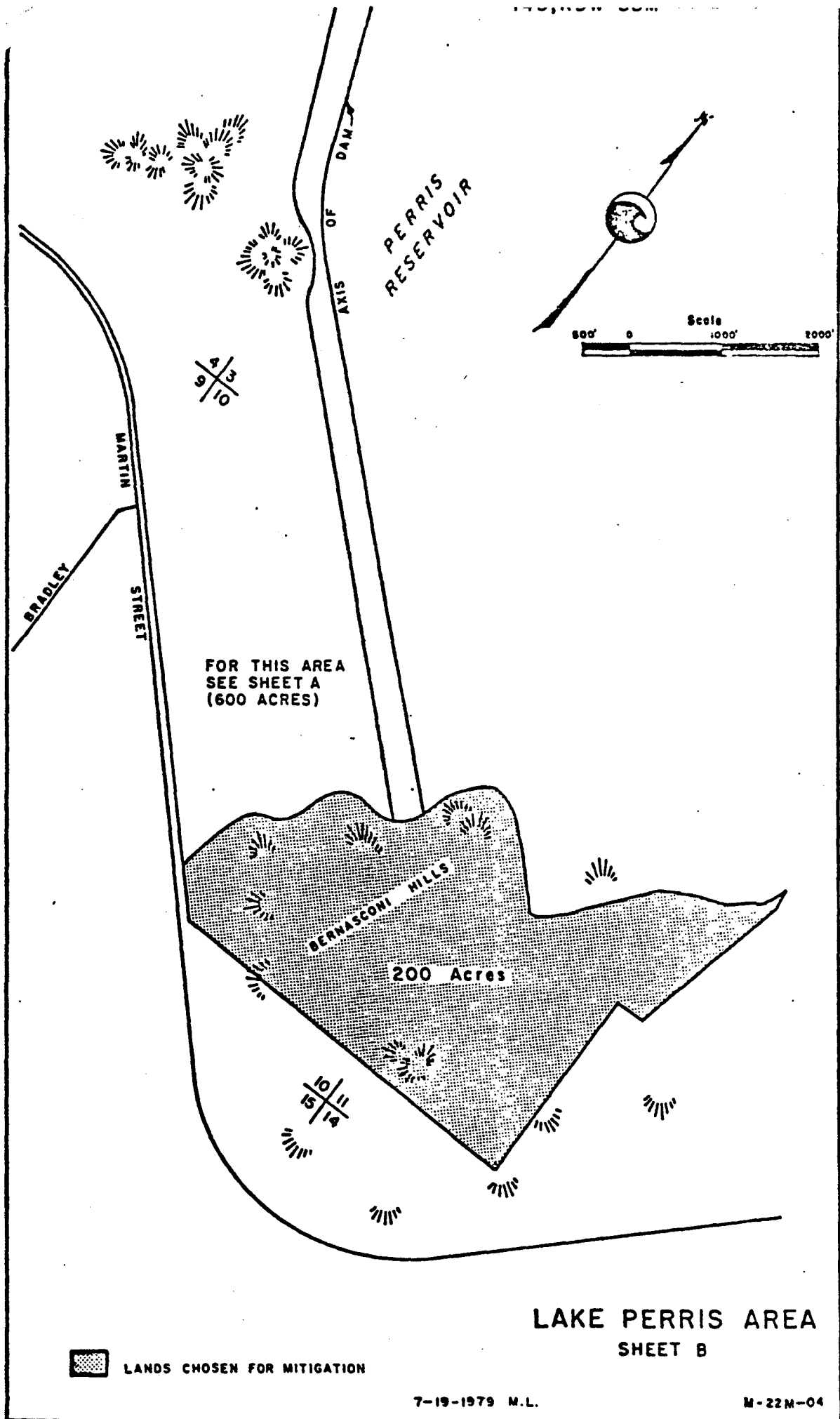
7-17-79 M.L.

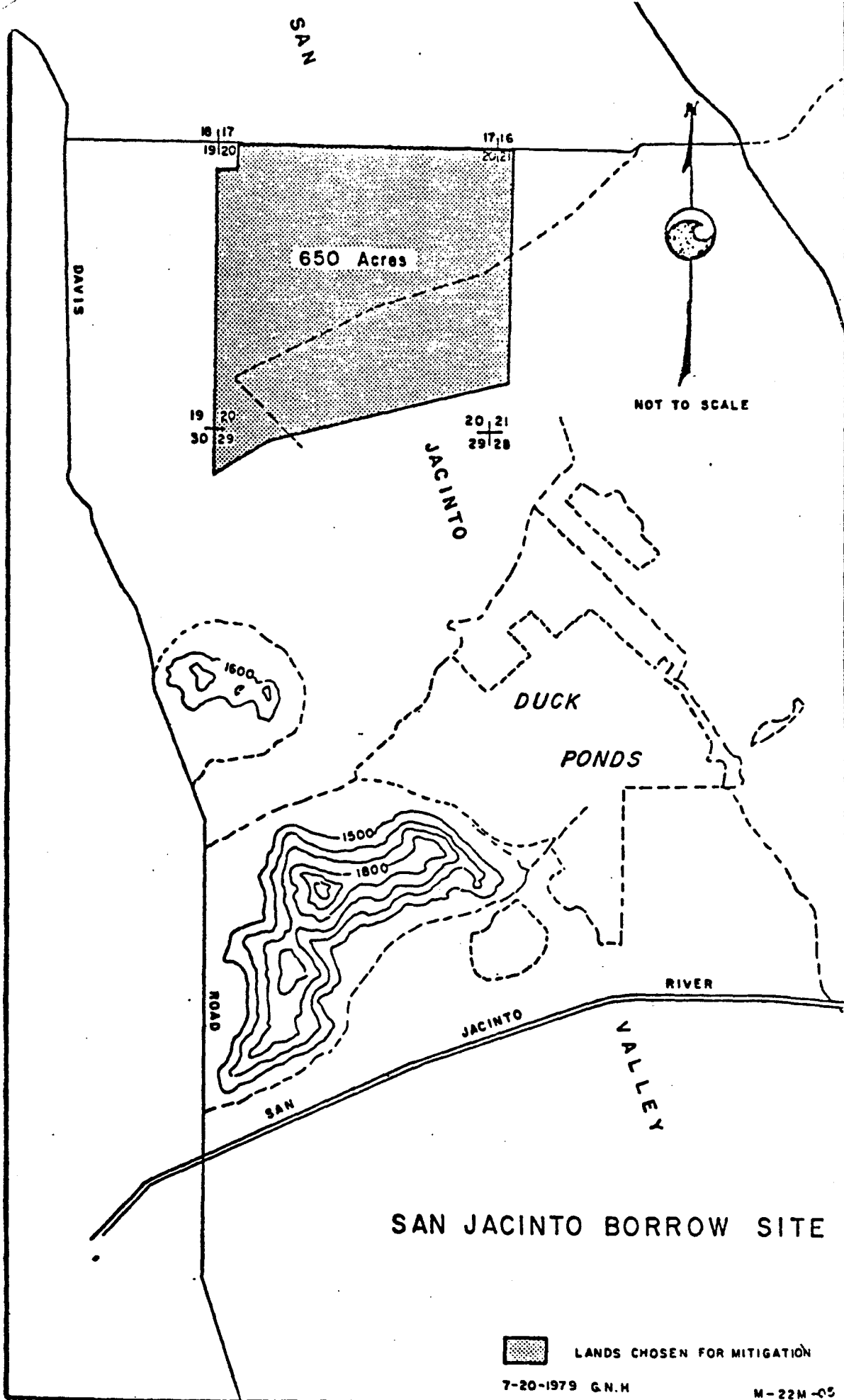
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EXHIBIT I

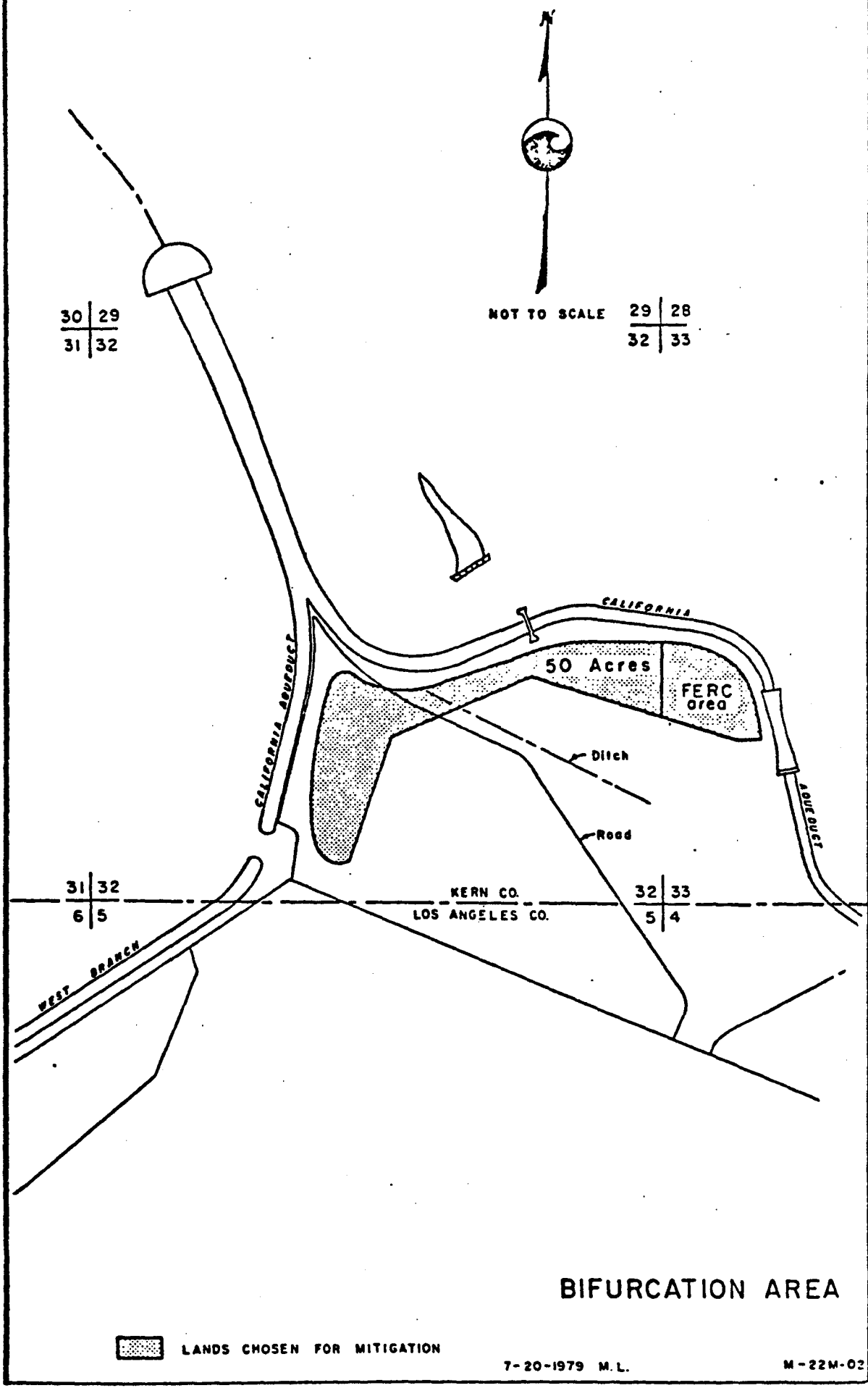
Sheet I

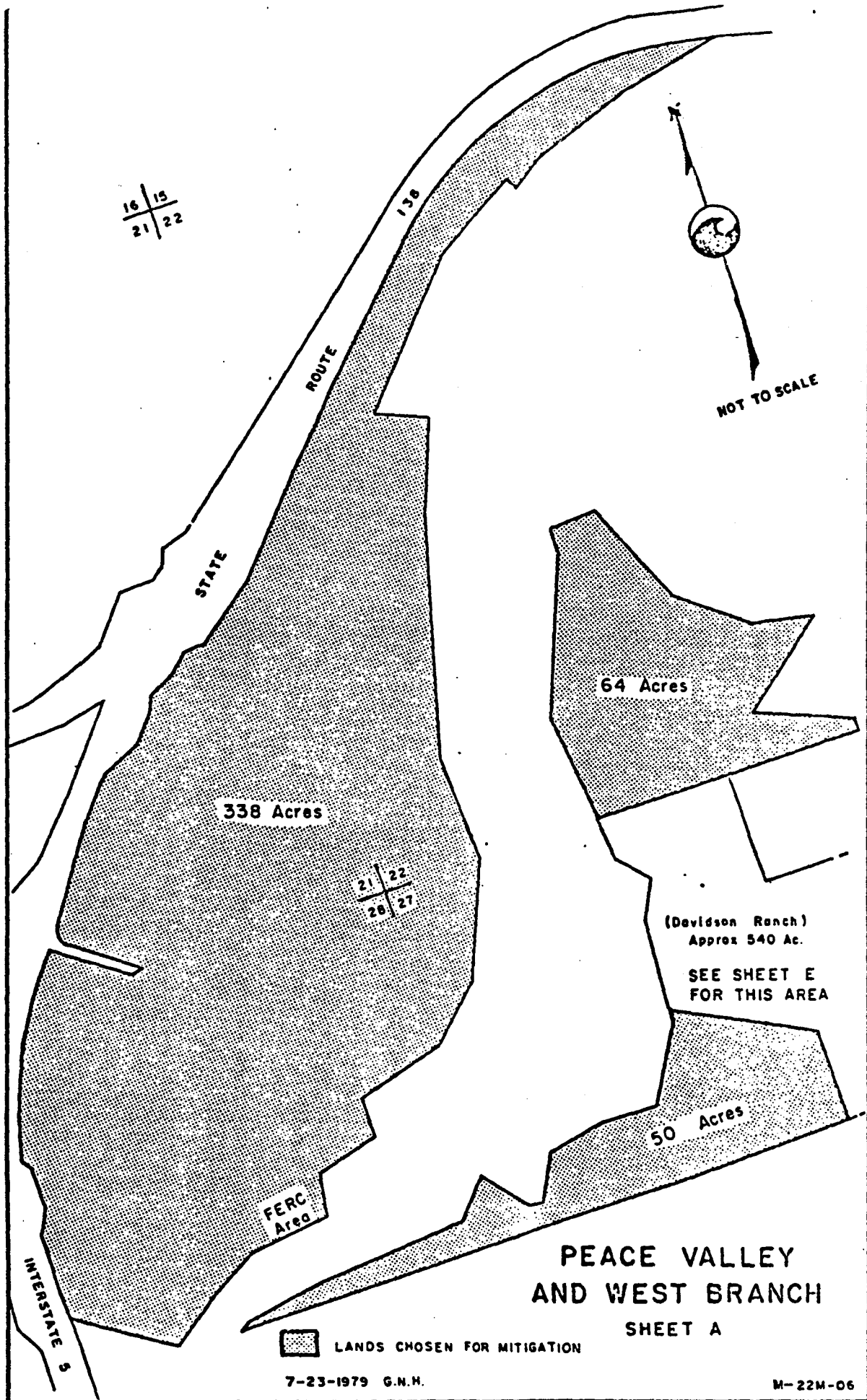
LAKE PERRIS AREA
SHEET A

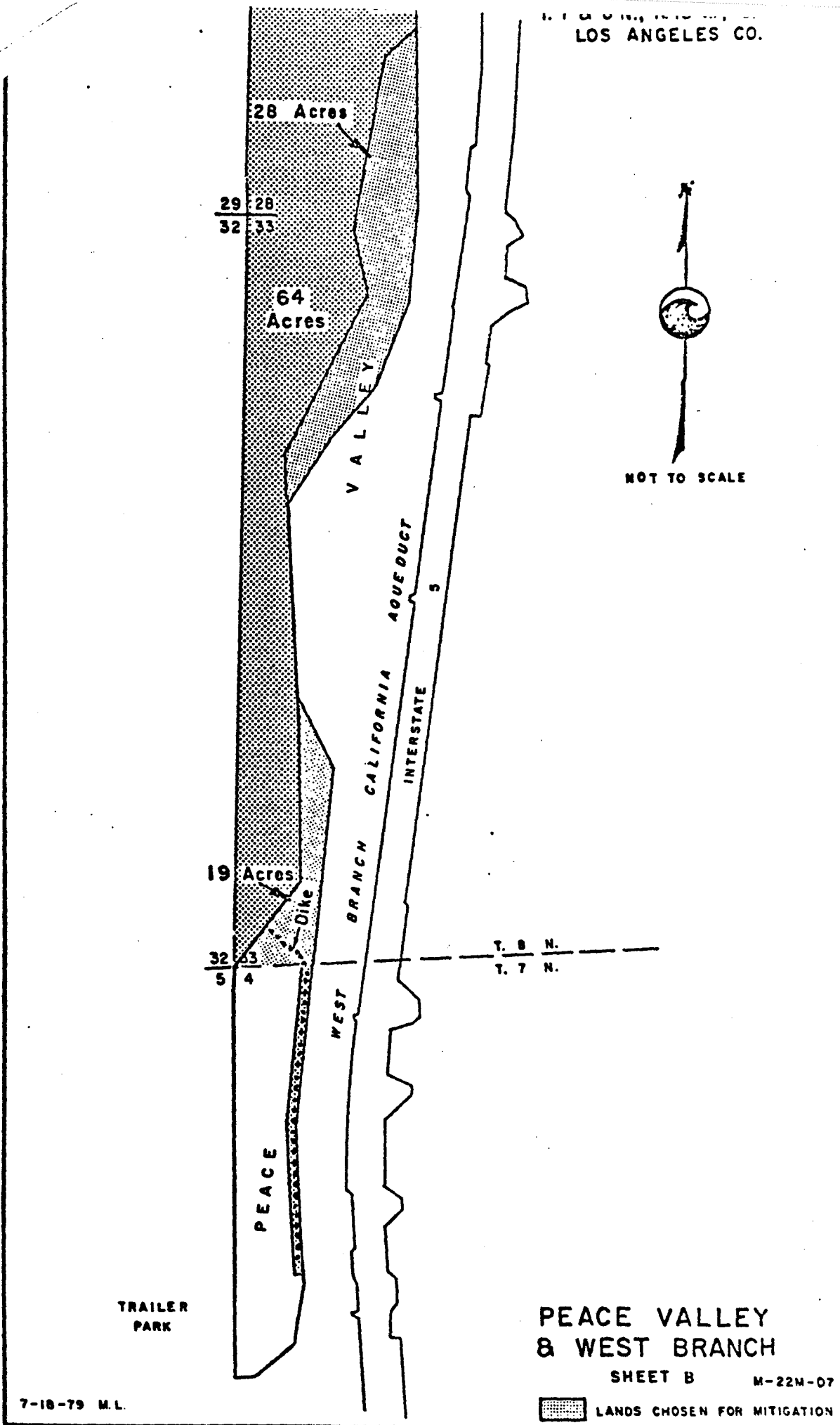


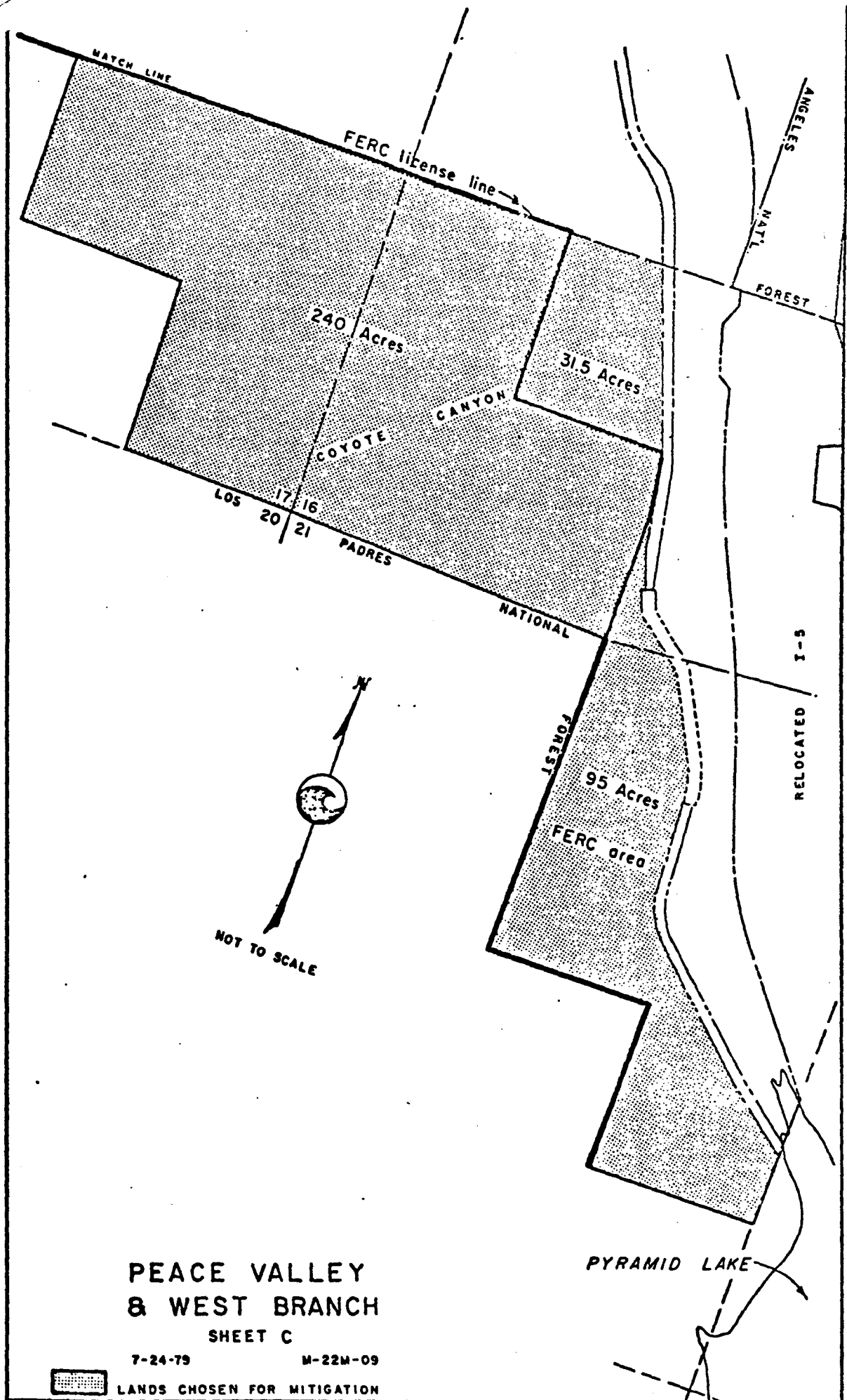


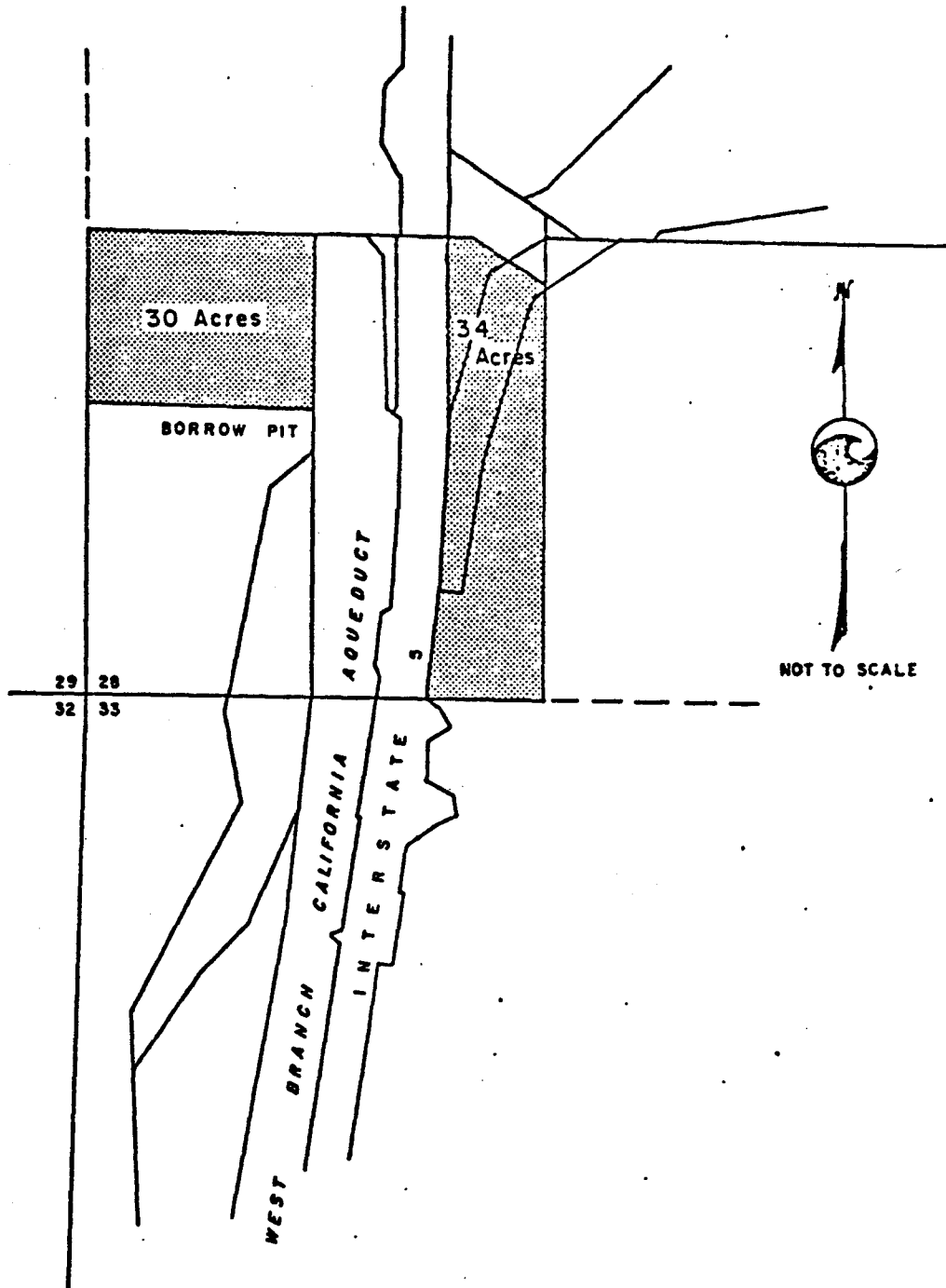
SAN JACINTO BORROW SITE











PEACE VALLEY
& WEST BRANCH
SHEET D



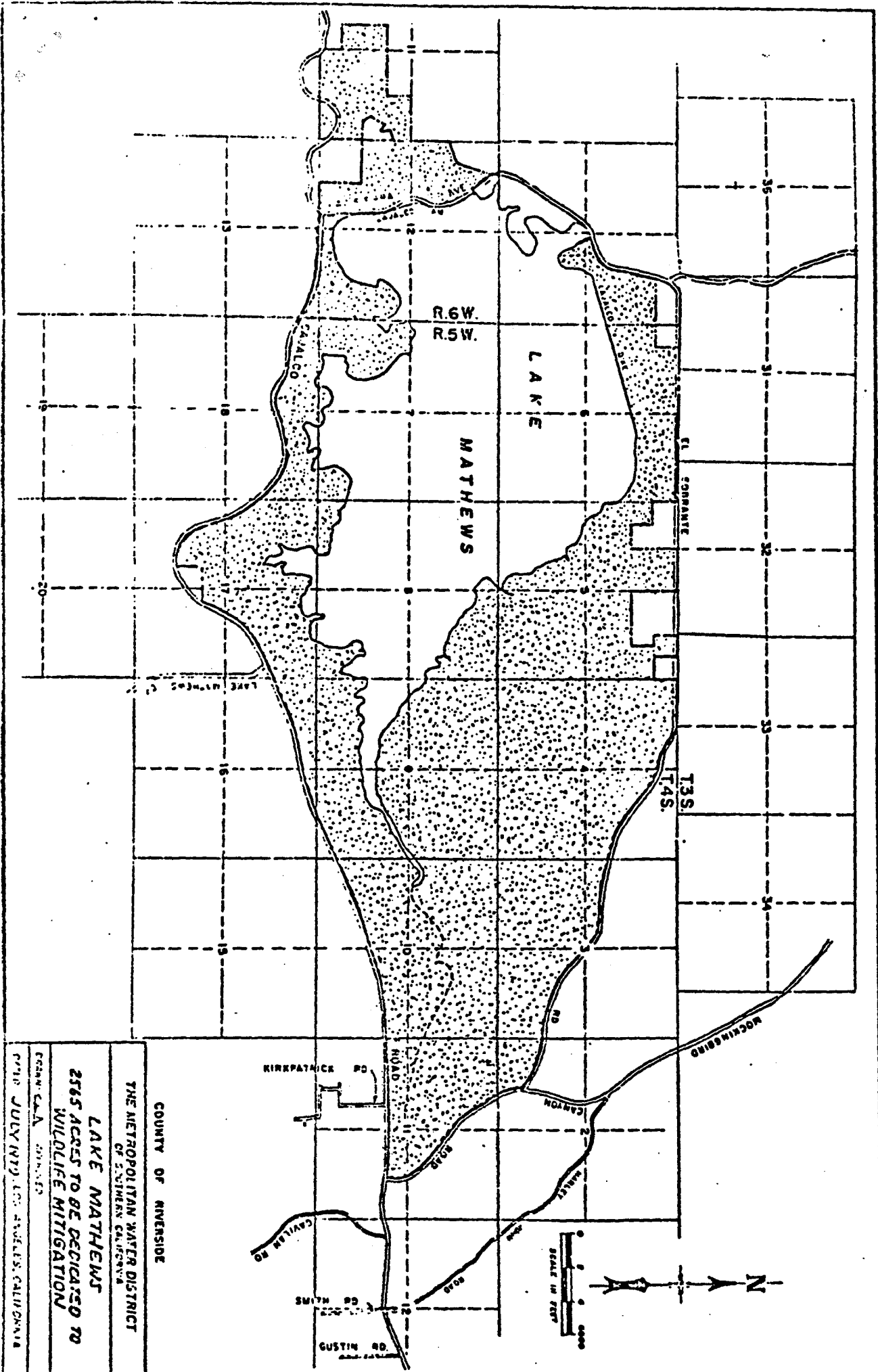
LANDS CHOSEN FOR MITIGATION

8-9-79 M.L.

M-22M-14

EVIDIT 1

Sheet 9



COUNTY OF RIVERSIDE

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

LAKE MATHEWS
2565 ACRES TO BE DEDICATED TO
WILDLIFE MITIGATION

PREPARED BY
CIVIL ENGINEERING
FIRM JULY 1970 LOS ANGELES, CALIFORNIA

DATE _____ CITY OF HEMET
BY _____

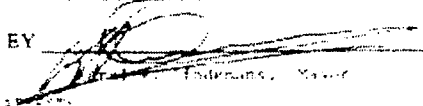
DATE _____ CITY OF LAKE ELSINORE
BY _____

DATE _____ CITY OF MORENO VALLEY
BY _____

DATE _____ CITY OF MURRIETA
BY _____

DATE _____ CITY OF PERRIS
BY _____

DATE _____ CITY OF RIVERSIDE
BY _____

DATE April 23, 1996 CITY OF TEMECULA
BY 
DAVID L. GREEN, Mayor

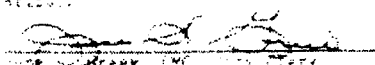

DAVID L. GREEN, Mayor

EXHIBIT A

**CALIFORNIA ENDANGERED SPECIES ACT
MANAGEMENT AUTHORIZATION
FOR IMPLEMENTATION OF
STEPHENS' KANGAROO RAT HABITAT CONSERVATION PLAN
IN
WESTERN RIVERSIDE COUNTY
RIVERSIDE COUNTY HABITAT CONSERVATION AGENCY
(Tracking No. 2081-1996-17-5)**

SUMMARY

The Riverside County Habitat Conservation Agency and its member agencies (the County of Riverside and the cities of Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Perris, Riverside and Temecula) (collectively referred to as 'the RCHCA') has requested a Management Authorization ('MA') pursuant to California Fish and Game Code Sections 2081 and 2835 for the Stephens' kangaroo rat (*Dipodomys stephensi*), a species listed as 'threatened' under the California Endangered Species Act, Fish and Game Code §2050, et. seq.

The RCHCA proposes to manage the Stephens' kangaroo rat in accordance with "The Habitat Conservation Plan for the Stephens' Kangaroo Rat in Western Riverside County" ("The SKRHCP"), which is made binding on the RCHCA by the Implementation Agreement by and among the Department of Fish and Game ('Department'), the United States Fish and Wildlife Service and RCHCA, dated May 6, 1996 ('the IA'). The SKRHCP addresses the potential impacts of development, natural habitat loss and species endangerment and creates a plan to mitigate impacts to the Stephens' kangaroo rat and its habitat due directly or indirectly to future development of both private and public lands within the SKRHCP area ('the Plan Area'). The 533,954 acre Plan Area provides for the establishment of a regional system of seven core area reserves for conservation of the Stephens' kangaroo rat and the ecosystem upon which it depends. The core reserves include 41,221 acres of habitat. Approximately 2,440 acres of additional occupied, core reserve lands will be permanently conserved through future land sale and exchange provisions. Portions of the Plan Area are potential habitat for, or are occupied by, the Stephens' kangaroo rat. The 'take' of individuals of the Stephens' kangaroo rat is prohibited unless authorized by the Department pursuant to Fish and Game Code Sections 2081 or 2835.

The Department has determined that the preservation, conveyance, acquisition, and long-term management of habitat for the Stephens' kangaroo rat under the SKRHCP will offset the impacts contemplated by the SKRHCP and will result in preserving core reserve areas sufficient to achieve sustainable populations of the Stephens' kangaroo rat. The Department has determined further that the impacts contemplated and offset in the SKRHCP will not result in jeopardy to the continued existence of the Stephens' kangaroo rat and that by securing the acquisition of habitat lands, the SKRHCP may protect the species from further degradation. The SKRHCP, as implemented by the IA and this MA, therefore meets the requirements of California Fish and Game Code Sections 2081 and 2835. Pursuant to Sections 2081 and 2835, the Department authorizes RCHCA to 'take' the Stephens' kangaroo rat, subject to the terms and conditions of this MA and the IA.

PROJECT LOCATION

The Plan Area is located in western Riverside County, generally defined as territory west of the San Jacinto Mountains. It extends from the San Bernardino County line to the border with San Diego County. The Cleveland National Forest flanks the western boundary, and the San Bernardino National Forest roughly defines most of the eastern boundary of the Plan Area. The total area of the SKRHCP consists of 533,954 acres, including the reserve areas which comprise 41,221 acres. The SKRHCP encompasses both privately owned and publicly owned land.

PROJECT DESCRIPTION

The RCHCA and member agencies desire to: (1) plan, approve and facilitate public and private development within the Plan Area; and (2) minimize and mitigate the impacts to Stephens' kangaroo rat and its habitat by providing for the substantial conservation of such species and their habitat in the core reserve areas. The future development activities contemplated by the SKRHCP and IA include: (1) land disturbances in the Plan Area within the jurisdiction of the RCHCA member agencies; (2) bona fide ongoing agricultural operations; (3) fire prevention and emergency response activities; (4) operation and maintenance of existing infrastructure facilities; (5) construction of public facilities and; (6) case-by-case approval of projects outside the Plan Area. These activities are referred to in this MA as 'the Project'.

HABITAT DESCRIPTION

Three major vegetation categories account for more than 94% (252,161 acres) of the natural lands within the Plan Area. Sage scrub covers 38%, followed by grasslands (31%) and chaparral (25%). Alkali playa and the total of all other vegetation types account for 3% respectively.

PROJECT IMPACTS

Over a 30-year period of appropriate Project build-out, the SKRHCP will likely result in permanent loss of Stephens' kangaroo rat occupied habitat. The type of occupied habitat subject to most of the loss will involve transitional areas where grasslands border coastal sage scrub, where sage scrub and grasslands are intermixed, areas of sparse sage scrub, and where native habitat has been removed or disturbed by agriculture and other open spaces.

SPECIES OF CONCERN

Based on recorded observations and data compiled for the Plan Area, Stephens' kangaroo rat are known to occupy approximately 30,000 acres within the SKRHCP area. The life history information and specific status for the Stephens' kangaroo rat is provided in the SKRHCP.

EFFECTS ON SPECIES OF CONCERN

The Stephens' kangaroo rat will be subject to direct and indirect adverse impacts and take resulting from the Project. The areas where primary impacts to the species may occur are identified in the SKRHCP.

HABITAT MANAGEMENT LANDS

Preservation of Lands

Under the SKRHCP, provisions are made for the establishment of seven core reserve areas comprising a total of 41,221 acres, of which 12,460 are occupied Stephens' kangaroo rat habitat. Provisions in the SKRHCP and IA provide for an additional 2,440 (approximately) acres of occupied habitat for inclusion in the core reserves. In association with the Project, the RCHCA must preserve, acquire, and convey the conserved habitat and offsite conservation lands as detailed in the IA. The preservation and management of the remaining 15,000 acres of occupied habitat for Stephens' kangaroo rat in the core reserve land, as detailed in the SKRHCP, will provide adequate habitat for the preservation and recovery of the Stephens' kangaroo rat.

SPECIFIC CONDITIONS REQUIRED

Conservation Program and Mitigation Measures

1. All conservation, mitigation, monitoring, and impact avoidance measures, as detailed in the SKRHCP and IA, shall be implemented by the RCHCA, as specified in the IA.
2. The term of this MA shall commence on the date that the IA is executed by the last of the parties thereto and shall terminate 30 years from that date. This period is subject to earlier termination pursuant to provisions of the IA.

DISCLAIMER

3. Upon timely satisfaction of the conditions of this MA and the IA, the RCHCA and member agencies will adequately mitigate impacts to the Stephens' kangaroo rat and will achieve compliance with the California Endangered Species Act, Fish and Game Code §2050, et seq. ('CESA') with regard to the Project. The RCHCA understands and recognizes that it has pendent responsibility for compliance with any and all other applicable laws and regulations.

4. Following execution of the SKRHCP and the Department's issuance of this MA, the RCHCA's decision whether or not to proceed with the Project shall be voluntary, and subject to all other pertinent law and regulations. As such, the RCHCA, its member agencies, the State of California and the Department shall each retain whatever liability each such entity would possess and for which they would otherwise be liable for past, present or future acts or failures to act without reference to this Management Authorization, and shall hold each other free and harmless from any violation of law, lien, suit or claim of injury or damage arising out of or connected with such actions or failures to act, including any joint and several obligation, judgment or other.

DEPARTMENT FINDINGS

Species of Concern

The Department has found and determined that the SKRHCP, as implemented by the IA and this MA, meet the requirements for purposes of California Fish and Game Code Sections 2081. In this regard, the Department has found and determined that if the terms and conditions of this MA are adhered to, the taking of Stephens' kangaroo rat, including the modification of its habitat, as contemplated by the SKRHCP, the IA, and this MA, will not result in jeopardy to its continued existence and may, through the preservation, acquisition, and conveyance of the core reserve lands, protect the species from further degradation. The SKRHCP and the IA, to the extent practicable, minimize and mitigate the impacts of the taking of the Stephens' kangaroo rat including, without limitation, the modification of its habitat.

Other Species

In the event that a species not enumerated in this MA is listed as endangered or threatened pursuant to Fish and Game Code Section 2070, or is a candidate for such listing pursuant to Fish and Game Code Section 2074.2, the Department shall consider, and if appropriate, expeditiously act to negotiate and execute, a Memorandum of Understanding with the RCHCA providing for the management of the species in order that the Project may proceed in accordance with CESA.

In determining whether any further mitigation measures are required to amend this MA to include an additional species, the Department shall: (1) take into consideration that the RCHCA has minimized and mitigated the impacts to the Stephens' kangaroo rat within the Plan Area to the maximum extent practicable; and, (2) cooperate with the RCHCA in good faith to minimize, consistent with CESA, any impediment to the Project's implementation resulting from the listing of a species not enumerated in this MA.

CALIFORNIA DEPARTMENT OF FISH AND GAME

BY *Maureen P. Delaney*

TITLE *Director*

DATE *May 6, 1996*



MORENO VALLEY GROUP

PO BOX 1325, Moreno Valley, CA 92556-1325

Email address movalleygroup@yahoo.com Fax 951-924-4185

Regional Group of the San Geronio Chapter serving Moreno Valley

April 11, 2010

Mr. Tom Barnes
707 Wilshire Blvd., Suite 1450
Los Angeles, CA 90017

Dear Mr. Barnes:

Re: Perris Dam Remediation Program Draft Environmental Impact Report (DEIR) January 2010

The Sierra Club appreciates this opportunity to comment on the DEIR as we also commented on the NOP. We continue to have concerns after attending one of the Public Information meetings.

How will the riparian habitat on the east end of the lake, which presently shows signs of stress, survive remediation? What will be done until the lake is refilled to supplement the existing temporary irrigation system? Please note that I did not say "until the dam is remediated". This area, with nesting pairs of least Bell's vireo, needs to be enhanced now, as does the area on the northeast part of the lake where die-off of the riparian habitat continues.

16A

At the public meeting it was asked how long it would take to fill the lake because of the low availability of water and from where the water would come. No one had the answers because it seems Lake Perris is not all that necessary for supplying us water and other water storage facilities are having difficulty maintaining their desired water level.

16B

The Sierra Club needs to have a map that shows all the area known as Lake Perris State Recreation Area (SRA) and the adjacent San Jacinto Wildlife Area (SJWA). The map needs to show which state agency is responsible for which lands. The map also needs to show ownership of all these lands and which ones have conservation easements as well as who gave each easement. It must also show the lands that are in private and/or other government control as well as those land which are adjacent to the SJWA/SRA.

16C

It is my understanding that the lands between the dam and the Ramona Expressway are part of the SJWA. This area is part of the Stephens' Kangaroo Rat Habitat Conservation Plan (SKR HCP). Since this HCP requires that each acre of SKR habitat "disturbed" in a core reserve be replaced by an acre of occupied SKR habitat that is permanently dedicated to SKR conservation, the Sierra Club wants to know where these lands will be acquired. We also want to know how many acres will be "disturbed". Will contractors be working into the night and using lighting? The lighting and headlights will "disturb" SKR habitat and increase predation. How will you prevent the noise of construction and machinery from "disturbing" SKR? During the years of remediation, you will essentially be creating a dead zone for SKR and perhaps other species like the least Bell's Vireo as well as the California Gnatcatcher. How many areas of habitat for SKR and species covered by the MSHCP will be directly/indirectly "disturbed" or harmed by the remediation program? How many of these acres will be replaced and for which species? Where will these acres be located? What portable/temporary noise walls will be used to lessen impacts on wildlife? Where will these noise barriers be located? How much will they lower the noise level in an area with a lake and surrounded by rocky hills?

16D

16E

The Sierra Club has similar concerns about how you are going to restrict the nightlight/headlights from spillage outside of the immediate project area. We also have concerns about the proposed outlet or discharge channel, which will cause fragmentation as well as direct impact within a core SKR reserve. How will you mitigate and lessen this impact? Will the earthen version of this channel become riparian habitat? If yes, please show, quantify, and explain what it will look like as well as what species you believe it will serve.

16F

The Sierra Club is concerned about the more than 25% reduction in shallow water habitat. Helping the SJWA with 15 acres of rehabilitation of probably existing shallow waters will still result in a net loss, especially if DFG does not get a renewed reclaimed water contract by 2014. There needs to be a depiction which shows where the 0' – 10' water levels are now and where they will be after remediation.

16G

The Sierra Club believes the "Perris Waterfowl Analysis" is inadequate. The Audubon Christmas Bird Count is a one-day effort in December, and review of North American Birds online allows one to produce a list, but it is not as thorough as it needs to be. You should have contacted the Friends of the Northern San Jacinto Valley and the San Bernardino Valley Audubon Society (ideally Gene Cardiff) if you really wanted accurate lists. Was the list shown to knowledgeable present and past employees of the SRA? We do hope they have actually visited the SRA at various times during the year and maybe even more than Greg Miller of Psomas.

16H

While the existing drawdown has adversely affected fish populations, Mike Podlech believes that "populations may stabilize at lower levels." This aquatic ecologist is also concerned about the impacts on fishery by further drawdown of the lake during construction resulting in "reduction of shallow water habitat and a concomitant increase in deep water habitat." These comments and CDFG's experiences at Lake Silverwood show that the remediation project could be detrimental to the SRA fishery. The Sierra Club is concerned that the nine bullet points that aquatic ecologist Mike Podlech recommends as mitigations use the word "should". These mitigation measures and others must be adopted with the word "shall".

16I

The Sierra Club questions whether the proposed project is really the environmentally superior alternative and if it serves the California Park and Recreation mission statement. I usually go walking at Lake Perris several times a week and, while I have noticed a decrease of human activity, I have also seen an increase of animals. I have also noticed that power boating craft have not dominated the water or what people and wildlife hear. Keeping power boats/jet skis between the island and the dam has allowed more peaceful passive uses east of the island. This creates opportunities for high-quality outdoor recreation. I now see many float tubes, canoes, kayaks, and small fishing boats east of the island with people enjoying the area. We need more lakes that allow for this – not fewer. The Recreation Alternative would allow for this and as word spreads, it will generate more users. The effect on both the biological resources and humans of the proposed project's noise and petroleum pollution from powerboats/jet skis has not been taken into account. Human pollution, which used to always close portions of the lake, has likewise not been factored into the DEIR. I wish the SRA would be more concerned about its mission statement and stop giving the appearance of being mainly interested in returning the lake to a huge revenue generator.

16J

The mission statement for the Department of Parks and Recreation "is to provide for the health, inspiration, and education of the people of California by helping to preserve the State's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunity for high-quality outdoor recreation."

The Sierra Club, however, wants it known that we would strongly object to the use of this environmental document to decommission the dam. We are concerned that increasing the water level is needed to maintain ground water, but there is no study showing the potential for increased liquefaction for lands outside the SRA caused by leakage pre- and post-remediation of the dam.

16K

The Sierra Club is also concerned about the project's impacts on air quality in our non-attainment area. The NOP letter from Steve Smith of AQMD directed you to many feasible "mitigation measures" in the

16L

paragraph of the same name. Many more of those mitigations need to be added to the ones you have included.

↑ 16L

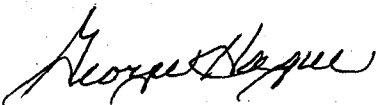
The Sierra Club has a concern about diesel trucks queuing up to get a load of dirt and every few minutes inching forward. Your condition of "no idling for more than five minutes" would allow this long line of diesel trucks to be a non-ending source of pollution with none of the trucks every shutting off their engines. This problem needs to be analyzed and solved. The Sierra Club believes you need to adopt or improve the following conditions of approval: "All off-road equipment with a horsepower rating of 25hp or greater used during the remediation of the dam shall meet a minimum Tier 2 rating and 80% of said equipment shall meet a minimum Tier 3 rating." This condition was recently accepted by another major project in the region.

16M

We appreciate that you gave the Sierra Club a hard copy of the DEIR and hope you will do the same with the Final EIR.

Please explain who the decision-making body will be and the location of the meeting(s). Please use the address below the signature on this letter for sending us notices of all future meetings and documents.
Sincerely,

16N



George Hague
Conservation Chair
Moreno Valley Group of the Sierra Club
26711 Ironwood Avenue
Moreno Valley, California 92555-1906
Phone: 951-924-0816
Fax: 951-924-4185

I was told you might know the answer to

Is there any Figure in the DEIR
that shows the ownership of the lands
in and around Lake Perris? - If not it needs to be in
the FEIR. Water Company

Ca. Dept of Parks and Rec.

Ca. Dept of Fish + Game ^{area} = below dam

Thank you.

George Hague

26711 Ironwood Ave

Moreno Valley, Ca. 92555

951-924-0816

gbhague@gmail.com



LAKE PERRIS FAIRGROUNDS

STATE OF CALIFORNIA

46TH DISTRICT AGRICULTURAL ASSOCIATION

18700 LAKE PERRIS DRIVE • PERRIS, CALIFORNIA 92571

Telephone (951) 657-4221 • FAX (951) 657-5412

www.SoCalFair.com • info@SoCalFair.com

RECEIVED

APR 12 REC'D

ENVIRONMENTAL SCIENCE ASSOC.
LOS ANGELES

April 12, 2010

Tom Barnes, ESA, on behalf of
the California Department of Water Resources
Perris Dam Remediation Program
707 Wilshire Boulevard, Ste. 1450
Los Angeles, CA 90017

Reference: **Perris Dam Remediation Project**

Dear Mr. Barnes:

We are responding to the Draft Environmental Impact Report (DEIR) for the Department of Water Resources (DWR) *Perris Dam Remediation Project*.

The Lake Perris Fairgrounds (Fairgrounds)/Southern California Fair (Fair) is operated and managed by the 46th District Agricultural Association (DAA) with the California Department of Food and Agriculture (CDFA), Division of Fairs & Expositions (F&E) providing fiscal and policy oversight. The DAA is governed by a Board of Directors appointed by the Governor of the State of California and managed by a CEO. The DAA while a State agency is virtually self-supporting. The physical property and location are among the most valuable assets of the DAA and were determining factors in our re-location to the site in 1987.

Our general understanding is that DWR as part of the *Perris Dam Remediation Project* plans to construct an emergency release channel paralleling the North edge of Ramona Expressway that will flow to the Perris Valley Storm Drain.

The DAA is **exceptionally concerned about impacts both known and unknown** in connection with the development of the proposed project. The mere act of filing the NOP of the EIR resulted in tangible and intangible implications on our ongoing business. We certainly would insist that the EIR study include and address the following impacts prior to moving forward with any construction announcements or determinations as to the approval of the *Perris Dam Remediation Project*.

1. The Fairgrounds operates on a year round basis and is approaching 1 million visitors each year.

↓ 17A

2. The Ramona Expressway visibility of the Fairgrounds provides priceless value to the property.
3. The Fairgrounds provides unique agricultural, educational, economic, social, entertainment and recreational opportunities and when called upon acts as an emergency resource.
4. The DAA is dependent upon income generated from the annual Southern California Fair, an Off-Track Horse Racing facility, facility rentals, parking revenues, associated revenue streams and sponsorships, leases and rental income from renters for economic stability.
5. The DAA has long-term contracts with a number of individual renters that would certainly be adversely affected and financially impacted.
6. The DAA also contracts with other interim renters for the use of parking lots and facilities. This may include but not limited to; circus, tent sales, consumer shows, concerts, rodeos, RV rallies, receptions, parties and car shows.
7. Parking is located in controlled and specific areas for each event or activity, with many having restricted access depending on the event. Parking is charged for most public events.
8. Traffic ingress and egress is through designated gates; four gates on Lake Perris Drive, accessed from Ramona Expressway and one controlled gate on Ramona Expressway.
9. Existing infrastructure located within 150' to 300' of the North edge of Ramona Expressway includes but is not limited to:

a. Water main and backflow	h. Landscape
b. High voltage electrical	i. Lighting
c. Sanitary sewer lines	j. Electronic message center
d. Sanitary sewer lift station	k. Control fencing and gates
e. Sanitary sewer pressurized lines	l. Motocross track
f. Communication systems	m. Rodeo arena
g. Irrigation systems	n. Carnival lot
	o. Parking area
10. The DAA has no additional land available to develop.
11. Ongoing development of the property/programs and future ability to generate revenue will substantially be impacted.
12. The project may cumulatively and irreversibly affect the DAA's ability to sustain normal business operations.
13. The prospect of the project moving forward has depreciated the value of our property and our ability to negotiate with current and future generation of renters.

17A

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In addition our planned and un-planned investment in capital improvements/repairs to the property takes on an entirely new dimension of uncertainty.

↑
17E

14. There are certainly many other considerations that will require thorough identification.

17F

The Project Background specifically identifies the recreational opportunities at Lake Perris State Recreation Area (LPSRA) and has already disregarded in the preparation of the DEIR the agricultural, educational, economic, and social, entertainment and recreational opportunities the Fairgrounds offers. It is imperative that complete context and social analysis be applied to the EIR process to insure all areas are studied. The proposed DEIR as presented merely mentions the Land Use issue of the fairgrounds and does even less to address economic and operational impacts.

17G

Questions regarding the DEIR follow;

1. The project will upgrade the State Water Project (SWP) infrastructure to meet current seismic standards and minimize the risks associated with seismic hazards; why is it necessary to construct the Emergency Release Channel now when the dam has been in continual operation since 1974?
2. There is a system of pipelines in place already; could these pipelines be used to perform a controlled drawdown of the lake? And what other systems are already in place? Can modifications be made to existing systems?
3. In the event of a catastrophic failure would an emergency drawdown through the proposed Emergency Outlet make a substantial difference to public safety?
4. What are the risks and consequences of not constructing the channel?
5. How will the quarry operation and blasting affects be mitigated?
6. Project Description states "All three projects will be constructed without draining the lake in an effort to maintain the beneficial use of the State Recreation Area." What will be done to maintain the beneficial use of the Fairgrounds?
7. What are the construction specifics of the channel, i.e. design, alignment, timetables, security/safety, maintenance and what will be done to minimize impacts to the Fairgrounds?
8. Could the Emergency Release be through an underground pipe system?
9. Could a retention basin system be excavated outside the lake or in front of the Dam to provide greater ecological habitat?
10. Who will maintain the channel now and in the future?
11. What landscape and beautification features will be part of the channel?

17H

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- | | |
|--|-----|
| 12. What security measures and features will be built into the project? | 17Q |
| 13. How will the infrastructure of the fairgrounds be addressed to maintain continuous operation? | 17R |
| 14. How will DWR address the short-term, long-term, adverse and permanent factors on the Fairgrounds business model both on a tangible and intangible basis? | 17S |
| 15. Why do Project Objectives fail to mention mitigating impacts to the Fairgrounds while specifically identifying an objective to "Maximize the beneficial uses of the LPSRA by restoring the reservoir to its pre-drawdown water levels."? | 17T |
| 16. How can the construction of the channel not have substantial detrimental effects to the Fairgrounds? | 17U |
| 17. How will traffic be managed day and night, weekdays and weekends to avoid backups on Ramona Expressway and to accommodate daily fairground operations? | 17V |
| 18. What resources are available to the DAA to mitigate the damage that has already been put in motion and may further occur? | 17W |

DWR's plan to upgrade the dam by removing and replacing foundation material along a portion of the dam toe and adding a stability berm are obvious life safety issues and the DAA supports actions taken to protect, upgrade and restore the water delivery system.

Given the information that we have; at this point, we view the release channel project as permanently detrimental to all activities and request Project Objectives require extensive examination to incorporate acceptable objectives that reach beyond those identified in the DEIR.

Sincerely,



Vince Agnifili
Chief Executive Officer
46th District Agricultural Association
Southern California Fair

Cc:
Board of Directors
Lisa Drury, Division of Fairs & Expositions
Jess Cummings, California Construction Authority

Victoria Zalameda

From: Tom Barnes
Sent: Friday, January 22, 2010 1:12 PM
To: Victoria Zalameda
Subject: FW: DWR Perris Dam Remediation Program Draft EIR

Please file in a comment folder and please send this commentor to the DWR website.

From: Brian Flanagan [mailto:brianflanegan@msn.com]
Sent: Tuesday, January 19, 2010 5:30 PM
To: Tom Barnes
Subject: RE: DWR Perris Dam Remediation Program Draft EIR

I am requesting a copy of the EIR for the Lake Perris Rehab job and am curious to see when the job will go out to bid and what the scope of the work will be. Thanks in advance
BrianFlanagan@msn.com

18A

Subject: FW: DWR Perris Dam Remediation Program Draft EIR
Date: Thu, 14 Jan 2010 16:34:56 -0800
From: TBarnes@ESASSOC.COM
To: TBarnes@ESASSOC.COM

On behalf of the California Department of Water Resources, this email has been forwarded to you as an interested party to the Perris Dam Remediation Program. This email provides the Notice of Availability of the Draft Environmental Impact Report (EIR). The Notice summarizes the project and identifies locations where the Draft EIR can be found for your review.

For more information, or assistance in obtaining the NOA or Draft EIR, please contact me at the email address or phone number provided below. We appreciate your interest in the project.

Tom Barnes
ESA | Southern CA
On behalf of the California Department of Water Resources
213.599-4300 | 213.599-4301 fax
tbarnes@esassoc.com

Hotmail: Trusted email with Microsoft's powerful SPAM protection. [Sign up now.](#)

ENVIRONMENTAL SCIENCE ASSOCIATES

PERRIS

In the matter of the:)
Public Review Meeting)
)
RE: All items on the)
Agenda, including but not)
limited to, THE PERRIS DAM)
REMEDICATION PROGRAM AND THE)
DRAFT ENVIRONMENTAL IMPACT REPORT)
)
_____)

CERTIFIED
ORIGINAL

TRANSCRIPT OF PROCEEDINGS

Perris, California

Wednesday, February 3, 2010

Reported by:

ALLISON SWANSON
CSR No. 13377

Job No.:
B3844ESA

Kennedy

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ENVIRONMENTAL SCIENCE ASSOCIATES

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TRANSCRIPT OF PROCEEDINGS, taken at
Perris Fairgrounds, 18700 Lake Perris Drive,
Harrison Hall, Perris, California, commencing
at 6:30 p.m. on Wednesday, February 3, 2010,
heard before ENVIRONMENTAL SCIENCE ASSOCIATES,
PERRIS, reported by ALLISON SWANSON, CSR No. 13377,
a Certified Shorthand Reporter in and for the
State of California, pursuant to Notice.

APPEARANCES:

CITY OF PERRIS MAYOR:	DARYL BUSCH
DEPARTMENT OF WATER RESOURCES DIVISION OF ENGINEERING:	JEANNIE KUTTEL
CHIEF OFFICER DIVISION OF ENGINEERING:	RICHARD SANCHEZ
PUBLIC AFFAIRS OFFICE:	ELIZABETH SCOTT
SOUTHERN FIELD OPERATIONS AND MAINTENANCE:	GARY FAULKNER
ENVIRONMENTAL DIVISION OF OPERATIONS AND MAINTENANCE:	JAMES GLINE
PROGRAM MANAGER OPERATIONS AND MAINTENANCE:	DAVE SAMPSON
CHIEF OFFICER DAM SAFETY OPERATIONS AND MAINTENANCE:	DAVID PINECK
SUPERINTENDENT INLAND EMPIRE DISTRICT PARKS AND RECREATION:	RON KRUEPER
DISTRICT 5 CHAIRMAN COUNTY SUPERVISOR:	MARION ASHLEY

I N D E X

SPEAKERS:	PAGE
Tom Barnes	6
Ron Krueper	21
Sue Nash	22
Julie Vargas	24
Vincent Agnifili	25
Catherine Fields	26
Marion Ashley	27
Tom Paulek	30 41
Ann McKibben	32
Ingrid van Beveren	33
Paul Garcia	36
Daryl Busch	37
Julio Rodriguez	40
Blanch Finney	42

1 Perris, California, Wednesday, February 3, 2010

2 6:30 p.m.

3
4
5 MS. KUTTEL: Welcome. I want to thank you all for
6 coming tonight for the public meeting for the Perris Dam
7 Remediation Project. I'm Jeannie Kuttel with the Department
8 of Water Resources. I'm with the Division of Engineering.
9 My staff has been working on the dam remediation project for
10 quite some time. And our engineers are looking at the
11 remediation alternatives.

12 I appreciate everyone coming tonight. I would
13 like to start by introducing some of the Department staff
14 that are here. We have Gary Faulkner (phonetic) who's
15 representing our Southern Field Division, the Division of
16 Operation and Maintenance. Elizabeth Scott is with our
17 Public Affairs Office; she's over there. James Gline
18 (phonetic) is our Environmental Division of Operation and
19 Maintenance. Richard Sanchez is the chief of our Division
20 of Engineering. Dave Sampson, in the back, he's the Program
21 Manager with the Division of Operations and Maintenance.
22 And David Pineck (phonetic), in the back also, he's the
23 chief of the Dam Safety Office within Operations and
24 Maintenance. I hope I got everyone that was here.

25 I would like to introduce a few of our other, I

1 guess, esteemed guests tonight. Ron Krueper is here
2 representing Parks and Recreation. He's the superintendent
3 for the Inland Empire District. And the Perris State
4 Recreation area is part of his district. Marion Ashley is
5 the chairman of the Board of District 5 and the County
6 Supervisor. And Daryl Busch is the Mayor of the City of
7 Perris.

8 So I apologize if I missed anyone. I was
9 trying to make sure I got everyone that was here in an
10 official capacity. And I thank you gentlemen -- ladies and
11 gentlemen for coming tonight. And I hopefully look forward
12 to receiving your comments.

13 At this point I'm going to introduce
14 Tom Barnes. He's a consultant that the Department has
15 hired, works for Environmental Science Associates. And he
16 is helping us put together the Environmental Impact Report
17 and facilitating the comments tonight.

18 I turn it over to Tom.

19 MR. BARNES: Thank you Jeannie. My name's
20 Tom Barnes. I'm a consultant to the Department. Tonight's
21 an opportunity for the public and interested agencies to
22 hear about the project and provide some comments tonight.
23 Or just get your head thinking about it and go home and
24 write us comments about this project later on.

25 It's an informational exchange meeting that

1 we're having today. And it's on behalf of the
2 California Environmental Quality Act that we're doing it.

3 So we thought we would put up a little bit --
4 some displays for people to talk about and mill about before
5 we had the presentation. And I thought that was good. And
6 after we give the presentation. It will be about 20 minutes
7 or so of the project description and describing how E.I.R.
8 works.

9 And then I'll open for public comment. And
10 anyone that has a comment they want to give, they can do so.
11 And we don't have a court reporter here tonight. We do have
12 a court reporter. She's right here in front of me.

13 We do have a court reporter, so everything will
14 be recorded tonight. We also will be writing comments on
15 the flip board here, so we can be sure we understand each
16 other and what you're saying.

17 Those comments then are officially part of our
18 project administrative record. And we will be accepting
19 comments to the end of our comment period. I'll get to that
20 in a little bit.

21 But our comment period -- if you haven't heard
22 already -- has been extended, I think, until April 11th or
23 12th. But we'll get to that in the presentation.

24 So with that, let me just give a brief
25 presentation about the project.

1 The purpose here tonight, again, is to provide
2 the opportunity for the public and responsible agencies to
3 comment on our project and evaluate the analysis and
4 alternatives of E.I.R. We'll give a presentation here. Talk
5 about C.E.Q.A., how it works, California Environmental Quality
6 Act. Talk about how the E.I.R. works, the Environmental Impact
7 Report. And then identify some of the key findings in the
8 document. And then open it up for the public comments.

9 Okay. So Lake Perris here, Perris Reservoir is
10 the terminal reservoir of the State Water Project. State
11 Water Project is operated by the Department of Water
12 Resources, bring water from Northern California to
13 Southern California.

14 And here you can see the California aqueduct is
15 the principle feature, going down the center of the state.
16 Tehachapi splits. There's an east branch and west branch.
17 East branch comes along the Antelope Valley and into the
18 civil reservoir comes through the San Gabriels, down what's
19 called the Santa Ana Pipeline and terminates at the
20 Perris Reservoir. So this reservoir here is the last
21 terminus of the whole state water park.

22 It's hard to see with the bright lights. The
23 lights aren't really negotiable. They're either on or off.

24 UNIDENTIFIED SPEAKER: We can turn down one set if
25 you want.

1 MR. BARNES: I think we're okay, unless I get
2 complaints.

3 This is just an overview of the lake when it
4 was full. The key issues here are just showing the
5 recreational features that have been developed on the --
6 what is the east or north shore there. The west or north
7 shore.

8 The service area is about 2200 acres, 10 miles
9 of shoreline. Elevation of the lake when it's full is 1588
10 above mean sea level. And it's a zoned earth --
11 earth-filled dam, an earthen dam. It was built in 1974.
12 Built in 1974.

13 2004 and 2005 a study was conducted to --
14 statewide for dams to assess the seismic stability of
15 earthen dams. June 2005, Division of Safety of Dams
16 concurred the Perris Dam had seismic issues. There were
17 some subsurface soils beneath the dam that had the potential
18 to liquefiable -- sorry, not liquefiable -- have
19 liquefaction during an earthquake, seismic event. And cause
20 some shaking of the dam that might cause failure to the dam.

21 So in August through November 2005, in really an
22 emergency-type action, the Department took action to lower
23 the lake by 25 feet. And that's how you see the lake now.
24 It was lowered 25 feet in response to that study and
25 concurrence of the Division Safety Dams of the State.

1 Since that time, the Department has been
2 working on feasibility studies to remediate the seismic
3 instability of the dam. We started the C.E.Q.A. process, the
4 environmental review, in 2007.

5 We had a notice of preparation of E.I.R. that we
6 had a meeting in this room in June 2007. And I just have to
7 say we're very glad to be back. Maybe wish we were here a
8 little sooner. Here we are. We're glad we have the
9 document for your review now.

10 When the water level was drawn down, due to the
11 concerns of the dam, there were other concerns about that
12 project. Particularly access of recreation to the lake and
13 some vegetation to riparian areas that were used by some
14 species of concern. So the Department has a list of actions
15 the Department has done for the lake to improve it after the
16 drawdown.

17 Irrigation system was installed along the
18 eastern edge. And marina was extended to the new lake
19 level. A.D.A. approved docks were modified. And beach sand
20 was imported so the swimming activities could stay in tact
21 there at the new shoreline of the lake while temporarily
22 drawn down.

23 And this map shows those areas. It's hard to
24 see. Most of the features there are on the north shore.

25 Little bit about the California Environmental

1 Quality Act. It was enacted in 1970, I believe. That
2 provides for the disclosure of potential impacts of public
3 agency -- for public agency proposing a project.

4 So it's a decision-making tool for that lead
5 agency. It provides for transparency in decision making
6 for the public and agencies. And helps decision makers to
7 understand the kinds of impacts the projects could have.
8 It also provides a way of identifying mitigation measure
9 to avoid and lessen the impacts identified.

10 So the E.I.R. process, like I said, the N.O.P.
11 came out in June 1st. We received an extension -- a request
12 for extension of that review period. And closed officially
13 September 28th. We now have the draft E.I.R. on the street
14 for what we thought first was going to be a 45 day review
15 period. That was going to end some time soon.

16 But we received a request from the
17 Metropolitan Water District, the Desert Water Agency, and
18 Coachella Valley Water District to extend the review period
19 another 45 days. The Department of Water resources granted
20 that extension. Our new review period for the deadline is
21 April 12th. Please make a note of that.

22 And today is a public meeting on this project.
23 When the review period closes, we will consider all comments
24 and provide responses to those comments. Any commenters
25 will receive responses to their comment. And then the

1 Department will consider certifying the E.I.R., approving
2 the project.

3 Project objectives are to upgrade the dam, to
4 provide for current seismic standards, minimize the risk and
5 hazards and enhance and restore public safety and maximize
6 beneficial use of the lake.

7 E.I.R., in the project description, has a complete
8 list of the objectives. This is a summary of some of the
9 key objectives. The entire objectives are in that E.I.R.

10 Well, I put this slide in here to show you sort
11 of how the State Recreation Area boundaries surrounded the
12 lake itself. It's hard to see here. The dotted line around
13 the lake shows the extent of the recreation area. That's
14 kind of hard to see.

15 Next slide.

16 So the project itself then -- let me go into
17 the project description -- are three components. There's
18 remediation of the dam itself.

19 And then there's the retrofit of the outlet
20 tower. The outlet tower is, right now, located in the
21 southeast corner of the lake. That will be retrofitted as
22 part of the project.

23 Third project is the emergency outlet canal,
24 the conveyance. And that will provide for the controlled
25 release of the dam from the existing valve to the Perris

1 storm drain.

2 Okay. So I'll talk about the first step. Here
3 are all the elements you can see. Right here is where the
4 existing outlet tower is. The stability berm will be placed
5 right here. It will be a remediation of the dam in this
6 area. A little portion of the dam right there will be
7 remediated. And the red line here is the outlet canal, the
8 Perris storm drain, right there.

9 I'm going to go through a little sequence here
10 of how the dam is -- what the remediation project will look
11 like.

12 This dotted blue line is essentially an
13 existing water level at full capacity of the dam. There's
14 water close to the service down here.

15 Our first part of our project will then be
16 installing a concrete and soil mixture as columns underneath
17 to tow of the dam, to strengthen the material under the dam.
18 That will be the first phase of the project, to create the
19 deep soil mixing with the concrete.

20 The next phase will be to see water in the area
21 with wells and pull the ground water down a little bit
22 during the construction.

23 The next phase will be to excavate the tow of
24 the dam as shown here. Just at the base of the tow, go down
25 a little bit, provide a place to put a key for the new

1 stability berm.

2 And the next phase will be bringing soil in and
3 placing it as a large buttress, if you will, at the face of
4 the dam, just like that.

5 This is an example of a different dam that had
6 a similar retrofit, similar remediation project. It's not a
7 big dam. You can see the process of excavating the tow and
8 getting ready to put in soil on top for the stability berm.

9 So summary of that element of the project,
10 really the key issue of the product, is to seismically
11 upgrade the dam, improve the foundation of deep soil mixing,
12 remove liquefiable foundation, and construct stability berms
13 in the lake. And then that remediation will allow the lake
14 to come back to its original 1588 elevation.

15 Little hard to see this slide in this light.
16 But all the soil we're going to use to make the stability
17 berm will come from onsite, come from this area here of the
18 exposed lake bed. The lake bed will be exposed by the draw
19 down.

20 So we'll take approximately two million cubic
21 yards or so from this area, make a haul road along the
22 exposed lack bed. And then create a pass here, a road over
23 what is now a foot path in the hills, and around and have
24 the soil delivered to this stability berm area right there.

25 So that will be the project of hauling soil

1 from the berm area to the barrow area to the new berm. That
2 could take a year and a half or two years of hauling.

3 Also we'll have some rock. Part of that
4 stability berm is from the existing rock quarry. The same
5 quarry they used to make the original dam. Okay?

6 So that was an overview of the principle
7 project that we're looking at today.

8 The second project we're looking at is the
9 outlet tower replacement. We'll construct a new tower
10 approximately 400 feet from the existing tower. But it will
11 be using dry construction methods.

12 This is the lake shore right here -- I'm sorry.
13 This is the lake shore right here. This white area is
14 exposed lake bed. This is the existing outlet tower. The
15 outlet tower is where the water is taken out of the lake, if
16 needed to, for emergency release.

17 A cofferdam will be built in this area right
18 here and drained so dry construction methods can be used to
19 install at the depth -- digging down to the base, the bottom
20 of the lake and constructing a brand new outlet tower. In
21 this area there will be a tunnel drill to the existing
22 outlet tower to connect to the new outlet tower.

23 Third project associated with this program:
24 Modify existing valve control system for the emergency
25 outlet extension. Construct a new emergency outlet itself

1 either as an open channel or portions that are drilled
2 underground.

3 The E.I.R. evaluates both an open channel entirely
4 from the existing valve all the way to the Perris storm
5 drain. And it also looks at an option of doing an open
6 channel to this point in the fairgrounds, tunneling under
7 the fairgrounds and coming back to an open channel to the
8 Perris storm drain. The E.I.R. looks at both alternatives.

9 That was a quick overview of some of the
10 project's description.

11 Now, I'm going to jump to how the E.I.R. evaluates
12 some of the impacts associated with that project.

13 Biological resources firstly. The E.I.R.
14 concludes the project will result in a permanent and
15 temporary impact to some of the riparian areas, the southern
16 willow scrub area that is found most on the eastern
17 shoreline of the lake as well as some of the areas south of
18 the dam that have experienced growth from some of the water
19 in the area.

20 The drawdown itself has resulted in some die
21 back of that riparian area in the temporary drawdown period.
22 There's a map over here up by the tables to show the
23 condition of that riparian area right now. There's an
24 irrigation system in place right now to try to keep that
25 area going until the lake can come back and support it

1 naturally. The E.I.R. finds that to be an impact.

2 The dam itself -- the stability berm below the
3 dam will take out approximately 11 acres of some of the
4 riparian habit below the dam there. That's a significant
5 impact of the project.

6 There's also some temporary and permanent
7 impacts to the grasslands down below the dam. And there are
8 impacts to the non-native fishery as the dam -- when the
9 water is raised back to the 1588 level. Again, this lake is
10 going to be a little bit deeper in some parts. There's
11 going to be less shallow water habit and less shallow areas
12 for -- spawning areas for some of the fish. We're not sure
13 if the fishery will be substantially affected. The E.I.R.
14 looks at that issue.

15 Another key area of impact to this project that
16 the E.I.R. discusses is impact to the recreation provided by
17 the State Recreation Area. Clearly -- and you can see on
18 this map here, and it's back there. Take a look at it.
19 There's an exclusion zone that will happen during
20 construction.

21 This orange area essentially shows you what is
22 going to be off limits during construction. It's
23 essentially the eastern shoreline. And the southern area of
24 this dam. This is going to primarily the areas off limits.

25 The northern shoreline and all the water --

1 recreation activities will remain open. So it's an
2 important thing to note.

3 Camping areas down here will be closed for
4 the duration of the construction. We're talking about a
5 two-year period.

6 During construction, this large soil haul
7 activities down here, the E.I.R. concludes there's going to
8 be a lot of commotion. Lot of loud trucks. A lot of coming
9 and going. And the experience on the lake may be
10 substantially affected by that during that time. The E.I.R.
11 acknowledges that. It could be noisy at times. And there
12 will be a large construction project going on.

13 The E.I.R. also recognizes that the open channel
14 cut outlet canal goes right over the existing part of the
15 fairgrounds we're on right now. Goes over the motorcross
16 facility and some of the parking area. The E.I.R. finds that
17 to be a significant impact of the outlet -- open channel
18 alternative.

19 Otherwise, the Departmental Environmental
20 Project are all about the fact it's a large construction
21 project. We'll have site access. And public safety is
22 our primary focus to maintain public safety.

23 Traffic in the area should be affected
24 minimally. Because of all the soil, it will be a balance
25 site where all the soil is acquired from onsite.

1 But air quality, and moving the soil around,
2 could be an issue. The air emissions will likely be a
3 significant impact to this project.

4 Noise, likely, will be a significant impact for
5 the project for all the trucks during the two-year period.
6 And there will be some blasting in the quarry. And the
7 blast events that occur periodically, not very often, but
8 enough you'll be able to hear it in the area. We find to
9 be a possibly significant noise affect.

10 These are main impacts of the document we have.
11 The E.I.R., pursuant to those C.E.Q.A. requirements, from
12 the California Environmental Quality Act requirements.
13 We looked at different alternatives.

14 The dam alternatives we looked at include
15 increasing the dam capacity. Is that the time to do it?
16 Reducing the dam capacity. Perhaps we should keep it
17 reduced.

18 There are recreational alternatives. Dam
19 decommissioning alternatives. Which would be reduce the
20 lake all together.

21 There were alternatives looked at for the
22 outlet tower. Should we just retrofit the outlet tower,
23 not build a new one. That would be a very tough project.

24 Emergency outlet extension should be fully
25 covered and underground or it's going to be an open canal.

1 And both options are shown in the document. And I think
2 that the open canal, at this point, is a preferred
3 alternative for the project.

4 We look at no project alternative. We look at
5 different borrow area location. Would it be better to find
6 some of the soil offsite, bring from offsite to this site?
7 We found there was too much trucking impact, too much air
8 emission impacts. Really best to keep it in the lake here.
9 As a result, we find the proposed project definitely would be
10 environmentally superior alternative above all the
11 alternatives we're looking at.

12 So that's pretty much my presentation. We've
13 got -- run a bit through this. We're gonna be receiving
14 comments.

15 If you signed up here on the list, you will be
16 receiving notices from us of all subsequent meetings and
17 actions here. We request that any comments that -- will be
18 sent to me by April 12th.

19 If you had conversations here at the booth,
20 conversations here today that are not recorded by the court
21 reporter, then they're not official comments. We need you
22 to get in your comments officially by coming up now, pass
23 the mic around, get your comments. Or providing us with
24 written comments tonight on sheets that we provided for
25 mailing in or faxing in or E-mailing them to me.

1 And so the E.I.R. itself is available. We got CDs
2 here tonight. We have a few large volumes available online.
3 If you can't read that, it says www.water.ca.gov. And it's
4 online there. It's also at the Riverside County Library,
5 Perris Branch, and the Moreno Valley Public Library.
6 There's a hard copy there for you to look at.

7 So with that, I think we're ready to open this
8 up to the public inquiry. Again, the whole purpose of this
9 meeting is to get your comments. I appreciate you listening
10 to the presentation. We'll be around, Department folks will
11 be around after the meeting to talk to you and continue to
12 discuss an interest in the project.

13 Right now I'd like to -- Nicole's going to
14 write down comments. If anybody would like to add your
15 comments, I will open it up for public right now.

16 Sure.

17 MR. KRUEPER: Ron Krueper, K-r-u-e-p-e-r, the
18 District Superintendent, State Parks, Inland Empire
19 District, representing California Department Parks and
20 Recreation. California State Parks, short term.

21 Generally, I want to say tonight is under
22 C.E.Q.A. we're -- trust the agency. So we respond under
23 C.E.Q.A. comments, quite extensively. Also in this situation,
24 we are the responsible agency because this project directly
25 affects the recreation and the biological cultural resources

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1 of the Lake Perris State Recreation.

2 Also I would like to say is that, first, we're
3 part of the resource agency, sister agency, with the
4 Department of Water Resources. So we've been together on
5 this project since the drawdown started back in '05.

6 And in general comments, I would like to say
7 that State Parks greatly appreciates the working
8 relationship with D.W.R., and trying to provide, fulfill a park
9 experience for everybody. And so we're continuing with
10 that. And we look forward to continuing to work on this.

11 Continuing on that, so far what we've seen,
12 State Parks can say tonight we agree with the preferred
13 alternative that's being presented tonight in the draft E.I.R.
14 And specifically, though, specific comments will come later.
15 And our comments that we submit now, tonight, April 12th.
16 Thank you.

17 MR. BARNES: Thank you. More comments?

18 Yes, please.

19 MS. NASH: My first question is that I understand
20 that the riparian in front of the dam is because the dam was
21 leaking or seeping, the water was coming underneath. I'm
22 assuming that's still going to be happening?

23 MR. BARNES: Yes. Just quickly to be able to
24 answer -- I don't want to be -- I don't want to answer all
25 the questions tonight. We want to get comments.

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1 The response to that is, yes, I think that
2 seepage is -- E.I.R. considers that all dams seep somewhat.
3 And the seepage would be continuing even after the retrofit.

4 MS. NASH: And I want to make sure that the seepage
5 impact on the new berm is addressed.

6 The second thing is how much -- I want to have
7 addressed how many -- how much the capacity of the lake is
8 going to be increased by the borrow area. And I've heard
9 this rumor that the lake is actually shallower. And I'd
10 like to know whether that's true or not.

11 In other words, does -- if you fill it up,
12 again, how is that capacity going to compare with when the
13 dam was first built, taking into account the borrow area and
14 taking into account whether it got shallower or not? I
15 don't think the numbers are in the E.I.R.

16 MR. BARNES: The project will bring the water level
17 back up to it's original level that was 1588 above mean sea
18 level. So, yes, there would be about two million cubic
19 yards additional storage capacity or so.

20 That's a good comment. And we'll provide
21 response to that.

22 MS. KUTTEL: Her name?

23 MR. BARNES: Oh, could you state your name, please.

24 MS. NASH: I'm sorry. Sue Nash, N-a-s-h.

25 MR. BARNES: Thank you.

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Yes?

MS. VARGAS: Hi. My name's Julie Vargas,
V-a-r-g-a-s. I'm part of Team Meadows Group that's from
Perris.

My question -- it's really a comment. We just
happen to be looking through the website and we found this.
A lot of the people in Perris were not informed about this
meeting.

I think that I read back in the
Press Enterprise had put out sometime in January, to begin
the first two weeks in January. We're already in February.
And I think that maybe you guys can put it out a little bit
closer to the dates that there's going to be hearing or
something.

Because none of the neighbors knew about it. I
went house-to-house today. That's when we found out about
it today. And it's a little late, you know, for people to
make arrangements to come to the meeting like this.

So I just feel that it's either the City of
Perris that needs to get it out a little bit more in the
newspaper, your website, your Facebook, something has to be
done. None of the residents knew about it.

Thank you.

MR. BARNES: Thank you for the comment. It's a fair
comment. And we've had -- we did put newspaper ads. And

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1 we've tried to be extensive as we could be, but we try to
2 reach as many people as we can.

3 And we encourage anybody to out reach to your
4 neighbors also and get comments in, to the extent getting
5 the word out is definitely in our interest.

6 MR. AGNIFILI: My name's Vincent Agnifili. I'm the
7 C.E.O. of the Southern California Fair. Last name,
8 A-g-n-i-f-i-l-i.

9 We're very much in favor of seeing the dam
10 retrofitted and becoming more safe and going back to
11 capacity. I think we used to approach almost a million
12 visits at the state park at one time. It's the second
13 busiest state park in California to Hurst Castle.

14 And significant economic impact taken place as
15 a result of the drawdown. Our main concern, of course, is
16 how it will affect the fairgrounds. In field, the
17 Environmental Impact Report, the draft report, did nothing
18 to address our questions and comments we put forth two years
19 ago.

20 We're very concerned about egress and access to
21 the property during all times of construction. We're very
22 concerned about the infrastructure that will affect the fair
23 grounds, particularly utilities. They're all lined up along
24 Ramona Expressway. And the business interruption it will
25 cause, the loss of revenue. Not only to the fairgrounds,

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1 but to the private businesses that call Lake Perris
2 Fairgrounds their home.

3 One of the things that was identified in the
4 draft report was, there's other motorcross facilities in
5 the area. The fact of the matter is, there's somebody that
6 owns and operates that facility today. They don't own and
7 operate the other facilities. We have permanent renters
8 that are private individuals doing business on the
9 fairgrounds. And there's nothing addressed of that nature.

10 And the other option we asked, are there
11 alternatives to the emergency release channel? Are there
12 existing pipelines we can use? And what are the
13 consequences if we don't have an emergency release channel
14 and stay the way we are?

15 Thank you.

16 MR. BARNES: Thank you for your comments.

17 Yes?

18 MS. FIELDS: My name is Catherine Fields,
19 F-i-e-l-d-s.

20 My question is, at this point how is our chance
21 of survival -- in case we had a 7.2 earthquake, does the
22 City have a disaster plan for us in case the dam breaks? We
23 never know when an earthquake might happen. I want to know
24 what our chance of survival is if the dam is not ready.

25 If it should break, what are our chances, and

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1 does the City have a disaster plan?

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2 MR. BARNES: Thank you for that comment. And as the
3 Department of Water Resources, our responsibility and our
4 relationship with emergency services is to notify emergency
5 services locally in case there's an eminent failure of the
6 facility.

7 The local office of emergency services provides
8 the kind of evacuation measures you see around for other
9 types of incidents. And that would be the responsibility of
10 your county and your local jurisdictions.

11 So the Environmental Impact Report that we're
12 discussing today doesn't provide for an answer to that
13 question. But I don't want to be dismissive of that
14 question. It's very important, obviously, for the concerns
15 of the area. And the drawdown of the reservoir itself
16 substantially reduced any risk of the failure of the dam.
17 And that's why it was done.

18 So providing a response, I urge that you call
19 your office of emergency services in the county and discuss,
20 you know, what your relationship is with all of natural --
21 potential natural disasters in your region.

22 And so your comment is on the record. And we
23 will provide an official response in our proceedings here.

24 MR. ASHLEY: My name's Marion Ashley, M-a-r-i-o-n
25 A-s-h-l-e-y. And I represent District 5 Riverside County

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1 Board of Supervisors. And was formally the director of the
2 Metropolitan Water District and Eastern Water District. I'm
3 familiar with the situation here.

4 And we appreciate what you're doing. We need
5 the dam restored back where it's safe and don't have to
6 worry about situations like this. And also we need -- I
7 don't think I need to say it -- get the water storage back.
8 We need it for our thirsty populus.

9 In addition to that, we're concerned with
10 getting the recreation facility back to normal and also the
11 aspect of the state park, it affects back, to a reasonable
12 level. If there is impact, we want to mitigate it. If
13 there's some impact on the environment, get that taken care
14 of in some way we're happy with it.

15 Another thing I'm concerned about is the
16 outflow channel. It looks like you probably looked at all
17 these aspects. We wondered why -- we wanted to address that
18 why you didn't use the Metropolitan Water District existing
19 easement to the east. And that would not have disrupted the
20 Lake Perris Fairgrounds and all the businesses during
21 construction and so forth.

22 Probably good reasons for that. We don't know
23 what that might be. The rock or the highway or the
24 disrupting homes. I don't know. Maybe you can't run water
25 up hill. Maybe there's not impasse. I don't know. We'd

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1 like that at least addressed.

2 Also a concern about the impact on the wells
3 downstream. Not only the one recently acquired from the
4 private water company by the City of Perris, but also wells
5 that are owned by Eastern Water District and also private
6 farmers and private landowners down the way.

7 Because firm this up, looks like there's going
8 to be less water coming through. I know there's always some
9 seepage. But that should be addressed if that's going to
10 have an impact on folks.

11 The other one is back when the Mid-County
12 Parkway was being considered, the urging of Department of
13 Water Resources, the alternative to take the
14 Ramona Expressway -- take the Mid-County Parkway by the dam
15 was deleted as an alternative because of the swinging
16 problems to fix the dam. I think you ought to address --
17 that was brought up. You ought to address that and see if
18 that's still there. Just don't leave that unanswered.

19 And all in all, though, I think we have to go
20 ahead and complete the project. But just keep in mind
21 you're going create a lot of problems. There's going to be
22 some disruption for the populus. There's going to be some
23 noise, dust. And all that should be addressed for the folks
24 that live around here. And make sure they're aware, you
25 know, what is going on at all times.

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1 Maybe a public meeting from time to time as you
2 go through the process. Have a little open house.
3 Something to bring them, show them what is going on so
4 people understand.

5 Another thing, there was a problem brought up
6 about the emergency services, the emergency situation.
7 Right now I'm chair of the Board of Supervisors. That now
8 makes me supervisor of the Emergency Services Task Force.

9 That's a group that meets regularly from all
10 over the county. They're in charge of the evacuation plans
11 and react in any emergency. You call my office. It's
12 955-1050. Ask for Jaime Hurtado, J-a-i-m-e, H-u-r-t-a-d-o.
13 And he is my liaison. He is in charge of focusing -- see
14 what the plan.

15 If don't have a plan -- I'm sure they have one.
16 In the event it needs to be addressed, it can be addressed.

17 So thank you. And thank you for the
18 opportunity to comment.

19 MR. BARNES: Thank you very much.

20 Yeah.

21 MR. PAULEK: My name is Tom Paulek, P-a-u-l-e-k.

22 And I've had an opportunity to review the E.I.R.
23 And one thing that's not clear to me is will this solution
24 fix the problem? And we have D.W.R. here tonight.

25 It seems after reading the E.I.R., looks like

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1 you're building another dam in front of the existing dam.
2 And it seems like the problem is the foundation under the
3 existing dam is subject to liquefaction. So you're going to
4 be building your concrete mixing and your stability berm in
5 front of the dam.

6 Will that prevent the crumpling of the dam in
7 an earthquake?

8 MR. BARNES: That's a fair comment. And you can stay
9 after the meeting and discuss technical engineering details
10 with D.W.R. staff, please do so. Your comment has been noted.
11 And appreciate your comment. I mean, the answer is that's
12 the intent, certainly, of design.

13 MR. PAULEK: From the engineering point of view --
14 it just occurred to me -- well, if we have this earthquake,
15 will the existing dam, because there's still subject to
16 liquefaction under it, will it slump? And then the berm
17 will just delay the -- that's the question that occurred to
18 me.

19 And this lady's concern -- and it seems
20 central. And it certainly should be something that should
21 be addressed in E.I.R. Is this going to work?

22 MR. BARNES: The feasibility studies prepared since
23 the lowering of the lake in 2005 have certainly gone through
24 that in painstaking detail. And I invite you to talk to
25 Dave Penec in the back or Jeannie Huddle here after the

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1 presentation, after the public comment period and talk a
2 little bit more about the engineering design.

3 MR. PAULEK: I have one more question.

4 Lake Perris is a terminal reservoir. It's very
5 important. And its storage capacity is a big issue for all
6 the water districts.

7 The question that occurred to me is when an
8 acre foot of water enters Lake Perris, how long is it there?
9 What is the turnover time for water in Lake Perris? Is it
10 2 days? 30 days?

11 That seems to me a significant question. We're
12 looking at how this facility operates.

13 MR. BARNES: Fair question. And I don't have that
14 data for you right now today. But we certainly will provide
15 it in our responses.

16 MR. PAULEK: Can I call somebody at D.W.R. and get the
17 question? I shouldn't have to wait for the final E.I.R. comes
18 out.

19 MR. BARNES: Absolutely. Even after the presentation
20 here, why don't you stick around, get you a card and get
21 some of the questions talked about at length.

22 MR. PAULEK: Thank you.

23 MR. BARNES: Yes?

24 THE WITNESS: My name's Ann McKibben,
25 M-c-K-i-b-b-e-n.

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1 My question has to do with the lands in front
2 of the dam. There's a portion that the wild life is like an
3 arm that comes around in front of the dam. And I'm just
4 wondering, since it's obvious that your second dam will take
5 out all that riparian and fish and game lands, I think it
6 needs to be figured out how the lands will be replaced.
7 Because obviously that has riparian habit loss of lands for
8 wild life area.

9 MR. BARNES: Thank you for the comment. That's part
10 of the E.I.R. ongoing process.

11 MS. VAN BEVEREN: Yes, I'm Ingrid van Beveren, V, as
12 in "Victor," a-n-b, as in "boy," e-v, as in "Victor,"
13 e-r-e-n.

14 What the gentleman brought up, I think it was a
15 couple of good points. And that's -- I think at this point,
16 yes or no, maybe, if that's been considered. In your
17 mitigation percent you were talking, the mitigation as far
18 as being able to reduce the impact if something were to
19 happen. I would imagine -- I just found out about the
20 meeting about half hour before I got here. I would imagine
21 there's probably a percentage available to look at without
22 an earthquake for mitigation as far as impact that this
23 might have on the circumstances for us.

24 MR. BARNES: Can you be specific about what issue
25 you're talking about. You're talking about --

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1 MS. VAN BEVEREN: Your mitigation. The mitigation,
2 the impact of reducing of the impact.

3 MR. BARNES: Of which impact? To the biology?

4 MS. VAN BEVEREN: To the community. To everything
5 you're trying to help with.

6 MR. BARNES: And the dam failure, the mitigation of
7 the dam failure.

8 MS. VAN BEVEREN: That's an item that I would like --
9 I have not looked at your plan. Like I said, I didn't even
10 know this was going on. That's something that crossed my
11 mind, what the gentleman brought up.

12 The lady back here brought up something about
13 the seepage underneath. Not only is that a concern of mine,
14 not the seepage -- but not only that, like the liquefiable
15 situation we have in this area. I know that's a definite --
16 through experience through the homes that are built over
17 here. And that's the fact that, if this is a liquefiable
18 situation we have here, which it is, we're in deep trouble.
19 Whether we have an earthquake or not.

20 And 85 houses -- all of Mexico City fell down
21 because of the situation there and cement buildings and
22 structures, what have you.

23 But with the buildings over here -- there's
24 a simple problem they had over here that I don't pay
25 attention to with the mixing whatever cement they're going

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1 use over, on top of this, the bottom and the buildup, or
2 what have you.

3 And that is because I had my garage and floor
4 and everything done, torn out and redone nine times.
5 Finally had a geological study done. I don't know how the
6 homes passed City inspection. I don't know how the company
7 got the City bond back. I don't know. I think -- I'll
8 leave that alone for now.

9 But what happened to me is that because of the
10 soil underneath here, they had a totally wrong mixture for
11 the development of these homes. That's a concern. Because
12 not anything will hold this dam up if that's not taken into
13 consideration. Not even without an earthquake.

14 I wanted to bring that up. I've experienced
15 that for the area. I'm sure you got good geologists and
16 engineers working on that. I think for this area it's
17 definitely a problem. I don't know if the City is working
18 with you guys and approving it. Who's in charge of it. But
19 if the City's over this than I say, "Pluhh." Sorry.

20 MR. BARNES: We thank you for bringing that up. And
21 that's part of the record. And we will definitely be
22 looking at those types of issues. And the project itself
23 is, in essence, in mitigation for the potential safety
24 issues with the dam.

25 Thank you very much for your comments.

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1 Yes, sir.

2 MR. GARCIA: Paul Garcia, G-a-r-c-i-a.

3 With the three construction aspects you have
4 for this project, do you see them all happening
5 simultaneously? Is the first question.

6 And the second question would be, when would
7 you expect to see the dam or see the leg operating back to
8 the full capacity? Whatever your best conservative estimate
9 would be.

10 MR. BARNES: Can I ask Jeannie to answer that?
11 Perhaps you can provide a quick response.

12 MS. KUTTEL: Sure.

13 The E.I.R. and permitting and things like are the
14 next step. Engineers are working on the design right now.

15 The current schedule which, again, contingent
16 on the things that are somewhat outside my control, is to
17 have a completed dam design by the end of this calendar
18 year. And the plan is to break ground sometime, probably,
19 about a year from now, a year and couple months on the dam
20 remediation.

21 The tower is going to lag a bit behind that.
22 And the emergency outlet, at this point, we're looking --
23 still looking at the different options. And so that would
24 probably be about the same time as the tower.

25 So we're looking -- so to summarize, I guess,

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1 looking at 2011 right now for the dam construction.

2 Probably 2012 for the other two projects to be actually,
3 physically see work happening.

4 MR. GARCIA: And the filling of the dam is contingent
5 on all three phases of that being completed prior to?

6 MS. KUTTEL: Correct. I think the original and --
7 the dam -- the construction time period is roughly about two
8 years for all of those. So you'd be looking at 2014, 2015
9 before the dam comes back up.

10 MR. GARCIA: Okay. Thank you.

11 MR. BARNES: Anymore comments?

12 MR. BUSCH: My name is Daryl Busch, D-a-r-y-l
13 B-u-s-c-h. And as said before, I'm the Mayor of the
14 City of Perris.

15 The supervisor already covered on some of the
16 issues. I want to state them again.

17 And that is what is going to happen, do you
18 think, on the downstream wells? Because the City has some
19 downstream. And how will it affect them?

20 Two, is it may be in the report. I haven't
21 read it. You said you're going to pump out water. How much
22 do you think you're going to pump out? And where is the
23 water going when you pump it out? Does it go back in the
24 lake? Is it going to go into the flood control? Where is
25 it going to go?

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1 And the other thing is, you say this is the
2 preferred alternative. And I know from having been involved
3 in other E.I.R.s and so forth, when you're doing alternatives,
4 you have more than one alternative. You just don't study
5 one alternative. Did you study other alternatives? And
6 what were they? Because none of them were presented here,
7 you were showing us what the other alternatives may have
8 been and why you selected this one.

9 So that would be very beneficial for us to
10 know. Because the first thing I looked at is that, as a
11 supervisor, Metropolitan has a right-of-away that could be
12 used for emergency. And it's closer to where your emergency
13 water is going to come out. So it would be less cost to do
14 it.

15 Now, there's a Ramona Expressway, but I don't
16 see that as a big hurdle for engineers and other people in
17 order to get that water into the other channel and bring it
18 down to the Perris Storm Drain. Now, that channel may have
19 to have work. And somebody said, well, we're doing the
20 other route because we own right-of-way.

21 Well, we don't own this right-of-way. But
22 Metropolitan is your customer that has that water there.
23 I don't see why you wouldn't be able to work out -- strike
24 some kind of deal with them. Say, "Hey, this is for your
25 benefit. You need to work with us on the drain that you

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1 have. We can use it, save a lot of money."

2 And be a lot easier, to me, on the surface.
3 And that drain may need to have work done on it. But I'm
4 sure would be less than building a whole drain and tear
5 up the fairground and disrupt people's business.

6 I appreciate you looking into that. And
7 maybe letting the public know what else you studied, too.

8 Right now, maybe, this gentleman that read
9 everything -- I didn't have the time and probably wouldn't
10 understand it all anyhow. He may have that -- know that.
11 But I don't because I didn't read all of it and so forth.

12 So if you would answer those questions,
13 appreciate it.

14 MR. BARNES: Sure.

15 Firstly, thanks for those comments. And
16 those will be part of the record and answered officially.
17 Alternatives, analysis are a very important part of C.E.Q.A.
18 process. And you're identifying a new alignment for the
19 outlet canal that would be part of your response to look at
20 that.

21 Otherwise, the E.I.R. has an alternative section.
22 We do look at different options to either remediate the dam
23 or not remediate the dam or remove the lake or other ways of
24 reducing safety hazard. So those are looked at in less
25 detail than the preferred project in the C.E.Q.A. project.

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1 We primarily looked at one project.

2 You're right, we do have an explanation why we
3 looked at that project. We made a list of projects that
4 didn't work out. And we found our preferred project really
5 is preferred from the environmental point of view as well as
6 some other points of view, cost and other interests.

7 So if there are alternatives not in that
8 section that you'd like to see in there, we want to know
9 those.

10 UNIDENTIFIED SPEAKER: One comment on that outlet
11 channel. Maybe that the outlet channel runs into the
12 Colorado River Aqueduct. Maybe why they didn't go that --
13 that may be one of the reasons.

14 MR. BARNES: Sure.

15 THE WITNESS: My name is Julio Rodriguez, J-u-l-i-o
16 R-o-d-i-g-u-e-z.

17 And my question was, are the E.I.R.s available in
18 any other language other than English?

19 MR. BARNES: I guess I have to say no. It's a big
20 document. And we have not translated it into Spanish or any
21 other language at this time. It's available online. It's
22 available on CD. But we only have it in one language at
23 this time.

24 MR. RODRIGUEZ: If we were call somebody in the
25 Department, would there be somebody that could speak another

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1 language?

2 MR. BARNES: Absolutely. And let's talk about that
3 with Jeannie. And make sure that before you leave tonight
4 we'll get some Spanish language access to this information
5 and provide some translations if necessary of, perhaps,
6 project description, perhaps executive summary, something
7 like that at minimum.

8 If that's something you feel is necessary, you
9 want to request it. Let's talk to Department folks
10 afterwards.

11 Thanks very much for that comment.

12 MR. PAULEK: Tom Paulek, again, P-a-u-l-e-k.

13 And this relates to the evacuation canal. I
14 remember reading in the document that the existing gate for
15 the emergency evacuation on the dam is considerably larger
16 than the 1500 cubic feet channel that's going to -- being
17 proposed to be built.

18 And that was curious to me why the channel --
19 the new channel is going to be smaller than the existing
20 emergency gate. And I assume it's because that's the
21 capacity of the Perris Channel which it is going to empty
22 into.

23 Is that the case? Is the Perris Channel only
24 able to hold 1500 cubic feet per second for the emergency
25 evacuation water? Is that why you're downsizing the

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1 emergency channel?

2 MR. BARNES: I don't believe that's the reason.
3 I think there are different standards now for emergency
4 control releases. But, again, questions -- detailed
5 questions like that, we'll answer for you. But also you
6 can talk about it after.

7 MR. PAULEK: It has nothing to do with the
8 Perris Channel?

9 MR. BARNES: My understanding is that it doesn't.
10 Yes?

11 MS. FINNEY: Blanch Finney, F-i-n-n-e-y.

12 And back to in case of emergency -- we had
13 the hardest rain this year just a couple weeks ago. And
14 Ramona Expressway and Rider couldn't take the water. So,
15 you know, flood or just something happens -- I mean, we
16 couldn't even straighten that out. So, you know, it's
17 scary to even think about this happening.

18 MR. BARNES: Good comments. And I think, again,
19 the project is, again, a mitigation for that type of
20 water conveyance.

21 Any more comments?

22 I don't see any more comments.

23 Really appreciate everybody coming tonight
24 and getting a very nice involvement and list of comments.
25 Really appreciate it.

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1 Our intent here is to get as much input from
2 everyone to make sure we design a project that works the
3 best for all the stakeholders. We are really looking
4 right now for input.

5 Again, thanks for being involved in this and
6 coming and spending your night on this. And look forward
7 to getting your comments in writing. If you want -- the
8 comments we received here are on the record. If you would
9 like to provide more comments, send them to me. My address
10 is on the E.I.R. and on the comments sheets here and fax
11 number and E-mail.

12 And, again, it's open now until April 12th.
13 And we look forward to getting more comments.

14 That concludes the meeting. And really
15 appreciate your involvement.

16 (Meeting adjourned at 7:28 p.m.)
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REPORTER'S CERTIFICATE


I, ALLISON SWANSON, CSR NO. 13377, A CERTIFIED SHORTHAND
REPORTER FOR THE STATE OF CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT OF PROCEEDINGS WAS
TAKEN BEFORE ME ON February 3, 2010
AT THE TIME AND PLACE THEREIN SET FORTH, WAS TAKEN DOWN
BY ME IN SHORTHAND, AND THEREAFTER TRANSCRIBED INTO
TYPEWRITING UNDER MY DIRECTION AND SUPERVISION;

AND I HEREBY CERTIFY THAT THE FOREGOING TRANSCRIPT
OF PROCEEDINGS IS A FULL, TRUE AND CORRECT TRANSCRIPT OF
MY SHORTHAND NOTES SO TAKEN.

I FURTHER CERTIFY THAT I AM NEITHER COUNSEL FOR NOR
RELATED TO ANY PARTY TO SAID ACTION, NOR IN ANYWISE
INTERESTED IN THE OUTCOME THEREOF.

IN WITNESS THEREOF, I HAVE HEREUNTO SUBSCRIBED MY
NAME THIS 22nd DAY OF February, 2010


ALLISON SWANSON, CSR NO. 13377
CERTIFIED SHORTHAND REPORTER
FOR THE STATE OF CALIFORNIA

Department of Water Resources

Perris Dam Remediation Program EIR

Comment Card

Written comments may be submitted tonight during the meeting, or mailed/faxed/mailed to Tom Barnes on behalf of Department of Water Resources and received no later than April 12, 2010. (707 Wilshire Blvd, Ste. 1450, L.A., CA 90017; fax 213- 599-4301; TBarnes@esassoc.com)

Verbal comments will be recorded during tonight's meeting following the presentation.

I have the following comments on the Draft Environmental Impact Report (EIR) for the subject project:

THERE IS A SYSTEM OF PIPELINES ALREADY;

COULD THESE PIPELINES BE USED TO PERFORM
A CONTROLLED OR EMERGENCY RELEASE.

WHAT OTHER SYSTEMS ARE ALREADY IN PLACE.

CAN MODIFICATIONS BE MADE TO
EXISTING SYSTEMS?

WHAT ARE CONSEQUENCES OF NOT
CONSTRUCTING THE CHANNEL?

TRAFFIC HAS NOT BEEN ADDRESSED.

AS IT AFFECTS THE FAIRGROUNDS, HOW WILL
IT BE ADDRESSED?

Name: VINCE AGNIZICI Phone: 951 657.4221

Address: 18700 LAKE PERRIS DRIVE

If you are not presently on the public notice mailing list, but would like to be, make sure to provide your address on the meeting sign-in sheet.

Department of Water Resources

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①

HAVE YOU CONSIDERED USING
MUD EASEMENT TO THE EAST
FOR THE OVERFLOW CHANNEL
INSTEAD OF THE SOUTHERN PORTION
OF THE FAIRGROUNDS PROPERTY?

21A

②

MARION ASHLEY - SUPERVISOR 5th DISTRICT
Name: COUNTY OF RIVERSIDE Phone: 951-955-1050
Address: 1330 RIMROCK ROAD, PERRIS, CA 92570

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I have the following comments on the Draft Environmental Impact Report (EIR) for the subject project:

How much safer will
dam be than it is now.
is % of a dam failure

22A

Name: Sue Nash

Phone:

Address: PO Box 4036 Idyllwild, CA 92549

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I have the following comments on the Draft Environmental Impact Report (EIR) for the subject project:

The EIR should compare
a/f increased capacity of
the increased cap. alt. and
the increased cap. in the
preferred alt. gained by the
borrow area — in acre feet,

22B

Name:

Sue Nash

Phone:

Address:

PO Box 4036 Idyllwild, CA 92549

If you are not presently on the public notice mailing list, but would like to be, make sure to provide your address on the meeting sign-in sheet.

To Tom Barnes on behalf of THE CALIFORNIA DEPARTMENT OF WATER
RESOURCES

PERRIS DAM REMEDIATION PROGRAM (EIR)

707 Wilshire Boulevard ste.1450

Los Angeles, CA 90017

<http://www.esassoc.com>

March 24, 2010

THE EIR IS INADEQUATE WITH RESPECT TO THE LAKE PERRIS BIKE TRAIL.

This comment concerns the 10 mile mostly paved trail around Lake Perris.

A significant number of individuals use this trail every day. They may be campers, bike riders, scouts, organized and individual runners, physical conditioners, and a multitude of other visitor's reasons.

In the above mentioned EIR, I find no mention of the trail closure at the construction site or the mitigation proposed. The current park administrator told me that there is discussion about improving the bike path in the area of the remediation – perhaps to by pass the hill at the east end of the dam and the Big Rock area, and making the entire 10 mile trail more or less level.

23A

These plans should be formalized in the EIR; the trail is just as important to the community as the boaters, rock climbers, and fishermen. Without recognizing the Lake Perris 10 mile bike path around the lake, and folks who utilize it, the PERRIS DAM REMEDIATION PROGRAM (EIR) is inadequate.

23B

(The winter rain of 2010 has damaged the trail over the hill, and I assume this will be repaired well before construction begins.)

23C

Thank you for this opportunity for public input. I have supported and used the Lake Perris 10 mile bike trail since Ronald Reagan was governor of California.

Lee Cussins
18870 Springwood Lane
Perris, CA 92570

951-780-4345

Tom Barnes

From: David Dorado [ddorado@fullcoll.edu]
Sent: Sunday, April 11, 2010 6:48 PM
To: Tom Barnes
Subject: Lake Perris!

Mr. Barnes,

My name is David Dorado and I am a biologist in Riverside. I had the opportunity to meet you at a recent meeting in Perris.
I have reviewed some of the Perris Dam Remediation Program and I have two(2) suggestions.

1. Due to the breeding nature of migratory waterfowl, a widespread, shallow (<6 feet), NON-SHORE REGION of land needs to remain for aquatic plant life such as Common Tule and the like, to grow and provide an offshore isolated subsurface "island" for the birds to be able to build nests, be protected from people and predators from shore, and also be protected from boat wakes. Maintaining SHORE SIDE shallowness and vegetation growth, will NOT be conducive for many birds since they need to being isolated away from pedestrian like traffic; the way the lake used to be before the water was lowered. Therefore at the locations of the borrowing area, I would suggest that a few isolated subsurface islands are worked into the plan. Ideally they actually should take on the shape of a subsurface "DONUT", with the perimeters being at the shallow area and the middle dug out to a depth of 10-15 feet for their chick raising functions of swimming and diving. They should be roughly a minimum total of about 2-4 acres worth of surface horizontal dimension.

24A

2. Looking at at haul road along the shores of the lake. The road should be constructed at a distance of about 20-25 feet from the shoreline and allow a thick layer of shoreside plant growth to camouflage the trucks and vehicles driving by; especially along Bernasconi Beach region. Due to the presence of the vehicles, tourist should not be an issue, therefore to reduce impact on the aquatic birds that carry out over 90% of their feeding along that side of the lake near shore, in the shallows, a "natural blind" of tall plant growth could reduce this fear impact.

24B

Thank you for allowing me to submit this information and please do not hessitate to contact me if needed in the future.

Respectfully,

David Dorado
Biologist
714-992-7450